

MALEEHA AHMAD, et al v. CITY OF ST. LOUIS
Deposition of PAMELA LEWCZUK taken on 01/28/2019

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

MALEEHA AHMAD, et al,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:17-CV-2455 CDP
)	
CITY OF ST. LOUIS,)	
)	
Defendant.)	

Deposition of PAMELA LEWCZUK
taken on behalf of the Defendant
January 28, 2019

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Questions By:

Page:

MS. DUNCAN

5

Reporter: Sara Alice Masuga, CSR, CCR
IL CSR No. 084-002993 MO CCR No. 1012

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Exhibit N

MALEEHA AHMAD, et al v. CITY OF ST. LOUIS
Deposition of PAMELA LEWCZUK taken on 01/28/2019

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI

3 MALEEHA AHMAD, et al,)
4 Plaintiffs,)
5 vs.) No. 4:17-CV-2455 CDP
6 CITY OF ST. LOUIS,)
7 Defendant.)

8
9 APPEARANCES:

10 On Behalf of the Plaintiff:

11
12 ACLU
13 By Anthony E. Rothert, Esq.
14 906 Olive Street
15 Suite 1130
16 St. Louis, MO 63101

17 On Behalf of the Defendant:

18 City Counselor's Office
19 By Abby Duncan, Esq.
20 Brandon Laird, Esq.
21 1200 Market Street
22 City Hall Room 314
23 St. Louis, MO 63103
24
25

MALEEHA AHMAD, et al v. CITY OF ST. LOUIS
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1 IT IS STIPULATED AND AGREED by and between
2 counsel for Plaintiffs and counsel for Defendant that the
3 deposition of PAMELA LEWCZUK may be taken pursuant to the
4 Federal Rules of Civil Procedure, by and on behalf of the
5 Defendant on January 28, 2019, at the offices of the
6 ACLU, 906 Olive Street, St. Louis, Missouri, before me,
7 Sara Alice Masuga, Certified Court Reporter and Certified
8 Shorthand Reporter; that the issuance of notice is waived
9 and that this deposition may be taken with the same force
10 and effect as if all Federal Rules had been complied
11 with.

12 IT IS FURTHER STIPULATED AND AGREED that the
13 signature of the deponent is reserved.
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Defendant's Exhibit Lewczuk A.....142
(Defendant's First Set of Interrogatories Directed
to Plaintiff Pamela Lewczuk)

(Exhibits attached.)

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1 PAMELA LEWCZUK produced, sworn, and examined as a
2 witness on behalf of the Defendant testified as follows
3 commencing at 9:05 a.m.:

4
5 E X A M I N A T I O N

6 BY MS. DUNCAN:

7
8 Q. Could you state your -- state and spell your
9 full name, ma'am?

10 A. Uh-huh, Pamela Lynn Lewczuk, L-e-w-c-z-u-k.

11 Q. Ma'am, I just introduced myself to you, but
12 name is Abby Duncan. I'm one of the attorneys
13 representing the City on this case.

14 A. Uh-huh.

15 Q. This is Brandon Laird. He's another one of
16 the attorneys --

17 A. Okay.

18 Q. -- representing the City in this matter. Have
19 you ever given your deposition before?

20 A. No.

21 Q. Okay. I just want to go over a few of the
22 ground rules --

23 A. Uh-huh.

24 Q. -- both for you and for me.

25 A. Uh-huh.

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1 Q. This is Sara. She's taking down everything
2 that we say and so it's important that all of your
3 answers be -- be verbal. So, any head shakes or head
4 nods, "uh-huh," "nuh-uhs," none of those really translate
5 onto the record that she's making, so --

6 A. Okay.

7 Q. -- if you'll just try to remember to keep all
8 your answers verbal. If at some point you slip up, I may
9 ask you is that a "yes," and that's not to --

10 A. Okay.

11 Q. -- chastise you. It's just to make the record
12 clear. And also it would help if we don't speak over one
13 another. And I'll try not to speak over you if you don't
14 try to speak over me. It just makes for a clear record.

15 A. Okay.

16 Q. And finally -- That's fine. And finally, if
17 at any point I ask you something that you don't
18 understand or it's worded a little funny, if you'll just
19 tell me and I'll be happy to rephrase. Otherwise I'll
20 assume that if you answer the question I've asked, that
21 you understand the question; is that fair?

22 A. Yes.

23 Q. Okay. I want to just start off with just some
24 background information, ma'am. What is your date of
25 birth?

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1 A. [REDACTED].

2 Q. Okay. And what's your address?

3 A. [REDACTED]. I'm
4 sorry. That's my work. [REDACTED].

5 Q. And is that in the city?

6 A. No.

7 Q. In the county?

8 A. Yes.

9 Q. Okay. What is your educational background;
10 where did you go to high school?

11 A. At Radnor High School outside Philadelphia.

12 Q. Okay. And where did you go for undergrad?

13 A. U- -- I graduated from the University of Texas
14 Health Science Center at Houston.

15 Q. Okay. And what degree did you get there?

16 A. A Bachelor of Science in Nutrition.

17 Q. Any graduate studies?

18 A. No.

19 Q. Okay. Any other certifications or training
20 that you've received?

21 A. Renal -- Certified renal nutritionist.

22 Q. Okay. What is that? I don't know what it is.

23 A. Renal medicine, we work with end-stage renal
24 disease patients who are on dialysis.

25 Q. Okay.

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1 A. Uh-huh.

2 Q. Okay. Could you tell me a little bit about
3 your employment history? Are you currently employed?

4 A. Yes.

5 Q. Where are you currently employed?

6 A. It's a co-owned Washington University DaVita
7 Dialysis Clinic.

8 Q. Okay. And what is your position title there?

9 A. A renal dietitian.

10 Q. Okay. Is that a full-time position?

11 A. Yes.

12 Q. How long have you been with DaVita?

13 A. Well, since 1993 to currently, I have on and
14 off worked for them. So, the most recent was I want to
15 say almost ten -- almost ten years ago.

16 Q. Okay. Sure, I understand that we're kind of
17 getting far back. What did you do before that?

18 A. So, since 1993, I've worked in dialysis as a
19 renal dietitian. I had a one six-year period
20 approximately ten years ago where I did restaurant
21 inspections.

22 Q. Okay. And was that your full-time position?

23 A. That was not full time. That was contract
24 work.

25 Q. Okay.

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1 A. Probably about 20 hours a week.

2 Q. And when did you perform your restaurant
3 inspection duties?

4 A. Did you say when?

5 Q. Yeah, what the time frame.

6 A. That -- Well, that period of time that I'm
7 sorry I can't give you the exact dates.

8 Q. Sure.

9 A. It's been a while. So, less than ten years
10 ago --

11 Q. Okay.

12 A. -- for about five years.

13 Q. Okay.

14 A. Uh-huh.

15 Q. And DaVita, that's located here in the city --

16 A. It is.

17 Q. -- is that right? Okay. And your inspection
18 work, was that located in the city?

19 A. No, the corporate office that I communicated
20 with is in Chicago.

21 Q. Okay.

22 A. And we were given assignments, long list of
23 restaurant assignments, and those restaurants would be
24 anywhere between Poplar Bluff --

25 Q. Okay.

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1 A. -- and Chicago.

2 Q. Okay.

3 A. A lot of traveling.

4 Q. Okay. But did you remain in the county? Did
5 you live in the county during --

6 A. Yes.

7 Q. -- that time? Okay.

8 A. Yes.

9 Q. How long have you been at your current
10 address?

11 A. Sorry. About 20 years.

12 Q. Okay. I want to ask you generally some things
13 about the ACLU. Have you ever worked with the ACLU
14 before?

15 A. Do you mean "worked" as?

16 Q. Volunteered, worked, interned, been affiliated
17 with them in any way.

18 A. Affiliated, yes.

19 Q. And how so?

20 A. So, as a legal observer --

21 Q. Okay.

22 A. -- sometimes ACLU legal observers would also
23 be on the ground and we would work together --

24 Q. Okay.

25 A. -- observing protests.

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1 Q. Okay. And, so, it's from what you made it
2 sound like, the ACLU has their own legal observers, their
3 own group of legal observers would you say?

4 A. I -- To be honest, I'm not that familiar with
5 the ACLU and what their programs are. I just know that
6 in particular there was one legal observer who -- well,
7 one ACLU employee who was often out observing, as well.

8 Q. Uh-huh. Was --

9 A. And sometimes we would do trainings together.

10 Q. Do you know the name of that ACLU employee?

11 A. Mustafa Abdullah.

12 Q. And you said that you would see her out --

13 A. Him, but...

14 Q. -- him, I'm sorry --

15 A. That's okay.

16 Q. -- that you would see him out at protests?

17 A. So, when I arrived to a protest, we're
18 connecting with all the legal observers and that would be
19 including Mustafa.

20 Q. Okay. And when you say "connecting" with
21 other legal observers, what do you mean?

22 A. Just walk up to each other, say hello.

23 Q. Ask whom you're affiliated with?

24 A. Well, I would -- I know. I know Mustafa, so I
25 wouldn't have to ask that, but...

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1 Q. Okay.

2 A. Uh-huh.

3 Q. How many times would you say you've connected
4 with Mr. Mustafa at legal protests?

5 A. Probably at least ten, maybe 20.

6 Q. And have all of these protests been here in
7 the City of St. Louis or have they been elsewhere?

8 A. Elsewhere, as well.

9 Q. Okay. What other places have you seen him at?

10 A. From what I can remember right now, that would
11 be one of the locations was on the Highway 70 protest in,
12 I guess that's St. Charles. It's just east of the
13 bridge --

14 Q. Okay.

15 A. -- on Highway 70.

16 Q. And when was that?

17 A. 2015.

18 Q. And what was the cause that you were
19 protesting at that time?

20 A. Well, I -- I'm not a protestor, I'm a legal
21 observer, and Mustafa, as well, so we happened to be
22 partnered at that protest legal observing.

23 Q. What was the cause or issue at that protest?

24 A. It was a highway shutdown that the protestors
25 were --

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1 Q. Concerning what issue?

2 A. I mean, it was -- I would say in general, it
3 was a black liberation kind of, Black Lives Matter.

4 Q. Okay.

5 A. Uh-huh.

6 Q. Any other times that you've seen Mr. Mustafa?

7 A. Another time that comes to mind is The Loop
8 area near, say, Skinker and Forest Park Ave., like that
9 general neighborhood was another time.

10 Q. When was that?

11 A. 2017.

12 Q. Okay.

13 A. And I don't --

14 Q. Do you remember when?

15 A. Oh, oh --

16 Q. What months, I guess?

17 A. -- you know what? I'm sorry. It could have
18 been 2017 -- No, it must have been 2016. It was the
19 debate between Clinton and Trump at WashU.

20 Q. Okay.

21 A. And there certainly were other times and I
22 don't think at this moment I would be able to remembered
23 it.

24 Q. That's fine. But you said about ten times
25 that you've seen him?

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1 A. Yeah, maybe even --

2 Q. Okay.

3 A. -- more, yeah.

4 Q. At protests and demonstrations?

5 A. As legal observers; that's right.

6 Q. Okay.

7 A. Uh-huh.

8 Q. Any other affiliations you've had with the
9 ACLU over than with Mr. Mustafa?

10 A. No.

11 Q. Has the ACLU ever represented you in any other
12 lawsuits?

13 A. No.

14 Q. Have you ever donated money to the ACLU?

15 A. I -- I think one time maybe.

16 Q. Do you remember when that was?

17 A. When I give donations, it's usually ten, 20
18 dollars. Do -- Are you asking me do I remember when?

19 Q. Yes, when you donated to them.

20 A. I believe it was the Trump inauguration or the
21 Trump --

22 Q. Okay.

23 A. -- election.

24 Q. Okay.

25 A. And maybe the Muslim ban time period when some

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1 lawsuits were.

2 Q. Okay. So, that would have been what, around
3 2016 or 2017?

4 A. Yeah, Muslim ban 1.0, the first one.

5 Q. Are you aware of an organization called the
6 Arch City Defenders?

7 A. Yes.

8 Q. Okay. And how do you know of them?

9 A. Just in the media.

10 Q. Okay.

11 A. They're very active, so I read -- I read what
12 they're publishing.

13 Q. Okay. Do you know of anyone in their
14 leadership?

15 A. No.

16 Q. Okay. Have you ever worked with the Arch City
17 Defenders before?

18 A. No.

19 Q. Ever hired them to represent you?

20 A. No.

21 Q. Ever donated money to them?

22 A. I've been to a trivia night.

23 Q. Okay. Do you remember when that was?

24 A. Approximately one year ago.

25 Q. Okay. And that was, I'm assuming, something

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1 you pay to get into the trivia night --

2 A. That's right.

3 Q. -- and it's for -- it benefits them?

4 A. That's right.

5 Q. Okay. You said that was last year sometime?

6 A. That's right.

7 Q. Or 2017?

8 A. Excuse me. The last one that they had.

9 Q. Okay.

10 A. And I've only been to one, yeah.

11 Q. Okay. All right. Do you know a Megan Green,
12 she's an alderwoman?

13 A. I know who she is, uh-huh.

14 Q. And how do you know her or know of --

15 A. I --

16 Q. -- her?

17 A. -- know that -- I know that she's an
18 alderperson and I see her at protests.

19 Q. Uh-huh.

20 A. Uh-huh.

21 Q. Okay. How many protests would you say you've
22 seen her at?

23 A. It's possible that she was there at other ones
24 and I didn't notice her or see her --

25 Q. Sure.

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1 A. -- but I would say five.

2 Q. Okay. And when you've had interactions with
3 her at five protests or demonstrat- -- have these been at
4 protests and demonstrations --

5 A. Yes.

6 Q. -- where you've encountered her?

7 A. Yes.

8 Q. Okay. And what has been your interaction with
9 her?

10 A. "Hello. Oh, you're Megan Green, aren't you?
11 I'm Pam."

12 Q. Just introductory --

13 A. Right.

14 Q. -- type of things? Have you had any contact
15 with her about this case?

16 A. No.

17 Q. Okay. I want to talk a little bit about some
18 of your protest history. I know that we've gone over
19 some things with Mr. Mustafa, but let's -- as we sit here
20 today, let's kind of move backwards. So, what is the
21 most recent protest that you've attended?

22 A. I haven't been many lately. I would have
23 to -- to really think about that to...

24 Q. That's okay. You can take your time.

25 A. Right, right.

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1 Q. The Women's March just happened --

2 A. No.

3 Q. -- a couple weeks ago. Did you attend that?

4 A. No.

5 Q. Okay.

6 A. I guess I'm going to say the Stockley weekend,
7 and if there was something in between. So, in the last
8 year, I haven't done much --

9 Q. Okay.

10 A. -- legal observing, right.

11 Q. Okay. You said you haven't done much with
12 what?

13 A. Legal observing.

14 Q. Okay, okay. You said that you haven't done
15 much since then. What does that mean?

16 A. Yeah, because since I can't even recall --

17 Q. Uh-huh.

18 A. -- then it was either zero or one that I'm not
19 remembering.

20 Q. Okay. So, it's possible --

21 A. Oh, I'm sorry. I'm remembering.

22 Q. Sure.

23 A. So, I legal observed during that occupation
24 outside Roy Blunt's office.

25 Q. And when was that?

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1 A. That was maybe four months ago.

2 Q. Okay. And where was that?

3 A. At the intersection of Hanley and starts with
4 a "B." His office there.

5 Q. Okay.

6 A. I'm not from St. Louis, so --

7 Q. Sure.

8 A. -- it is harder for me sometimes east, west,
9 the street --

10 Q. Right.

11 A. -- but --

12 Q. Yeah.

13 A. -- without writing down.

14 Q. I'm not from here, either --

15 A. Uh-huh.

16 Q. -- and it's hard for me, too, 'cause everyone
17 seems to know --

18 A. I know.

19 Q. -- what is north here and I... Okay. But
20 somewhere on Hanley Road you said?

21 A. His office.

22 Q. Okay.

23 A. At the corner, uh-huh.

24 Q. Okay. And what cause or what issue was being
25 protested or demonstrated there?

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1 A. So, I believe it was Roy Blunt, his support of
2 Trump in general --

3 Q. Okay.

4 A. -- on policies and...

5 Q. And what did you do there?

6 A. I was legal observing.

7 Q. Okay. And we're going to -- we're going to
8 get into this a little bit later when I ask you specific
9 questions about that, but what -- what exactly does that
10 mean?

11 A. So, we're present. We do somewhat like to
12 send a message, kind of a deterrent message -- that's one
13 of the reasons that we're there -- to police who are
14 present. It's our First Amendment right to -- to be
15 there and do that and we observe and record commands that
16 are given to protestors. There -- We are observing
17 interactions between police and -- and protestors.

18 Q. And you said that there -- that you're there
19 to send a message. What message are you there to send?

20 A. That the protestors' First Amendment rights
21 are being observed and we're not really protecting, we're
22 not there as intervenors protecting, but there's someone
23 there observing that those rights are being observed by
24 police.

25 Q. Okay. At this protest, was -- did you observe

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1 any mace or pepper spray or teargas being used?

2 A. No, not while I was there.

3 Q. Okay. And on -- at this Hanley location, was
4 that in the city?

5 A. That is in Clayton.

6 Q. Okay. Any other protests other than -- Like I
7 said, we're kind of moving backwards, so you said --

8 A. I know.

9 Q. -- about four months ago, you went to this
10 Roy Blunt demonstration or protest.

11 A. That's right.

12 Q. What would have been --

13 A. Another one?

14 Q. -- another incident before that?

15 A. So, if you don't mind, if -- if you continue
16 your questions and it's possible that other events will
17 come to mind --

18 Q. Uh-huh.

19 A. -- and -- but at this time, it's -- if it
20 comes to mind, I'll be happy to tell you --

21 Q. Okay.

22 A. -- if.

23 Q. So, moving backwards then, we talked about
24 Roy Blunt and then certainly you remember the Stockley
25 protest?

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1 A. That's right.

2 Q. Okay. So, I want to kind of get into the
3 details of -- of that. I want to talk about the weekend
4 of September 15, 2017. How did you first hear about the
5 Stockley verdict?

6 A. Television.

7 Q. Okay. Do you remember when that was?

8 A. It was early morning. Well, maybe not early
9 morning. 9:00 a.m.-ish.

10 Q. Okay. And what was your reaction to the
11 verdict?

12 A. Disappointed.

13 Q. Uh-huh. What, if anything, did you do in
14 response to the verdict?

15 A. Went to work.

16 Q. Okay. And when you mean "work," do you mean
17 as a legal observer or do you mean --

18 A. No.

19 Q. -- as?

20 A. At --

21 Q. -- DaVita?

22 A. That's right.

23 Q. Okay.

24 A. DaVita.

25 Q. And what time was your schedule at DaVita,

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1 what time did you start work?

2 A. Probably shortly after that announcement where
3 his -- where Smith's attorney was getting the
4 announcement on the news, so I would have to be guessing
5 like 9:00-ish.

6 Q. Okay. So, you went to work at 9:00?

7 A. That's right.

8 Q. Okay. And then did you stay there all day?

9 A. Basically.

10 Q. Okay. At any point -- So, this would have
11 been September 15?

12 A. Uh-huh.

13 Q. At any point, did you make your way from your
14 work to the Stockley protest --

15 A. Yes.

16 Q. -- and demonstrations?

17 A. Yes.

18 Q. At what time was that?

19 A. About 3:30.

20 Q. Okay. Did you take off some time of work to
21 do that?

22 A. I -- I do. I take PTO --

23 Q. Okay.

24 A. -- from time to time.

25 Q. Okay. And, so, at 3:30, you made your way to

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1 where?

2 A. Outside the courthouse where protestors were
3 assembled at the corner of Tucker and Market.

4 Q. Okay. And in what capacity were you there,
5 were you a legal observer? Were you a --

6 A. That's --

7 Q. -- protestor?

8 A. Legal observer.

9 Q. And when you arrived, you said around 3:30; is
10 that right?

11 A. Uh-huh.

12 Q. What are some things -- Well, first let me ask
13 you this: How -- How long did you stay there?

14 A. There was a march that left that area pretty
15 shortly after 3:30.

16 Q. Uh-huh.

17 A. 4:00 maybe. So, I traveled with the march.

18 Q. Okay. So, you were there for about 30
19 minutes?

20 A. Yes.

21 Q. Okay. And then after that 30 minutes, where
22 did you go?

23 A. There was -- I accompanied the march as a
24 legal observer north on Tucker over to the convention
25 center. They wrapped around the front of a casino, then

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1 back to maybe Broadway or something --

2 Q. Uh-huh.

3 A. -- and ended up back at -- not back at, but
4 Tucker and Clark.

5 Q. Okay. So, when you first arrived at Market
6 and Tucker, what were some things -- You said that was
7 about 3:30?

8 A. That's right.

9 Q. What are some of the things that you observed
10 there?

11 A. A very large group of protestors.

12 Q. How many would you say?

13 A. 300, 400.

14 Q. And what were these protestors doing?

15 A. They were milling around in the street.

16 Q. Uh-huh.

17 A. Police -- Police had blocked off the area --

18 Q. Uh-huh.

19 A. -- to traffic, so there was no traffic coming
20 through.

21 Q. Do you know why they did that?

22 A. I'm assuming because of people being in the
23 street.

24 Q. Okay. When you say you saw people milling
25 around, were there people holding signs?

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1 A. Yes.

2 Q. Were there people yelling?

3 A. Not that I can recall. I...

4 Q. Were people chanting anything?

5 A. Probably.

6 Q. Do you remember what they were chanting?

7 A. I don't. I want to be honest. I don't
8 remember exact --

9 Q. That's fine.

10 A. -- wording. It's not something that I'm sure
11 to take note of or anything, yeah.

12 Q. Okay. When you say that people were milling
13 around, what -- what are some of the things that you
14 heard from people?

15 A. Just normal conversation, you know, about, I
16 guess, discussing the verdict and I would say, you know,
17 people were upset.

18 Q. Uh-huh. Did you hear people say, "Fuck the
19 police"?

20 A. I just have no memory of exactly words said --

21 Q. Okay.

22 A. -- so I can't testify to that.

23 Q. Okay. Anything else that you saw other than a
24 large group of people milling around?

25 A. No.

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1 Q. Do you remember any protestors blocking a bus?

2 A. I -- No.

3 Q. Do you remember any buses at the location at
4 all?

5 A. No.

6 Q. Do you remember anyone being pepper-sprayed or
7 maced at that location?

8 A. No.

9 Q. After you moved from Tucker to Market, you
10 said you kind of followed the protestors down by a casino
11 around Broadway. What did you observe the protestors
12 doing at those locations?

13 A. They were marching in the street.

14 Q. Okay.

15 A. Uh-huh.

16 Q. Do you remember anything about what was being
17 said?

18 A. I wouldn't be able to honestly recall exact --

19 Q. Sure.

20 A. -- wording.

21 Q. Sure.

22 A. Uh-huh.

23 Q. At Tucker and Market or the location where you
24 described them kind of arching around through the
25 casinos, do you remember any of the protestors throwing

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1 rocks at the police?

2 A. I've never seen that.

3 Q. You've never seen that --

4 A. That's right.

5 Q. -- at all?

6 A. I've never seen rocks thrown. I personally
7 have never seen that.

8 Q. At any protest you've been to; is that your
9 testimony?

10 A. That's correct.

11 Q. Okay.

12 A. Uh-huh.

13 Q. On September 15 of 2017, did you see any water
14 bottles being thrown at the police?

15 A. No.

16 Q. Do you know of any officers that were injured
17 during that time?

18 A. On the -- At the intersection of Maryland
19 Plaza and Euclid the night of the 15th --

20 Q. Uh-huh.

21 A. -- there was an officer overcome by teargas
22 and taken away by ambulance.

23 Q. And did you personally observe that?

24 A. Yes.

25 Q. Okay.

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1 A. I was overcome by the teargas, as well.

2 Q. Okay. So, at the point where the protestors
3 are kind of around Broadway, about what time is that?

4 A. So, if we left approximately at 4:00, I would
5 say a bit before 5:00.

6 Q. Okay. And then where did you go?

7 A. The intersection of Clark and Tucker.

8 Q. And was that about five o'clock?

9 A. That's right.

10 Q. Okay. And what did you observe there?

11 A. When I arrived there, it was a very tense
12 scene, like some interactions had -- had gone down at
13 that intersection before I arrived. There was a police
14 line across Tucker south of Clark. There were protestors
15 upset, running around. Some of them looked like they had
16 been teargassed -- I'm sorry -- pepper-sprayed --

17 Q. Uh-huh.

18 A. -- because of the milk of mag. treatment --

19 Q. Uh-huh.

20 A. -- running down their eyes and clothing. I
21 heard a dispersal order pretty quickly after I arrived
22 that scene.

23 Q. Okay.

24 A. I notified that it wasn't an amplified
25 dispersal order. It was -- I -- I was not very far away

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1 from the officer and could barely hear it. So, those are
2 the kind of things that we take note of and I --

3 Q. Uh-huh.

4 A. -- so that's why I remember that.

5 Q. Uh-huh. Do you remember what officer it was
6 that gave the dispersal order?

7 A. I did write that down. Ross.

8 Q. Okay. And when you say you wrote that down,
9 do you have, like, a legal pad or some kind of notations
10 that you --

11 A. That's right.

12 Q. -- make as you're observing?

13 A. That's right.

14 Q. Okay.

15 A. Uh-huh.

16 Q. And you had that on September 15 --

17 A. Uh-huh.

18 Q. -- 2017?

19 A. That's right.

20 Q. Okay. And what about the following days, did
21 you have that notebook with you, as well?

22 A. So, there are certainly times when I am
23 relying on my phone video --

24 Q. Uh-huh.

25 A. -- versus notes --

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1 Q. Uh-huh.

2 A. -- so I would have to think about your
3 question carefully to know whether a particular day I was
4 using video --

5 Q. Uh-huh.

6 A. -- versus notes.

7 Q. Uh-huh. But it's likely that you have notes
8 about that weekend?

9 A. Yes.

10 Q. Okay.

11 A. Maybe not every interaction, but yeah.

12 Q. Sure. And did you show those notes to your
13 attorney?

14 A. I recall sharing videos --

15 Q. Uh-huh.

16 A. -- all my videos.

17 Q. Okay. And do you still have that notebook or
18 those notes that you had about that weekend?

19 A. Yes.

20 Q. Okay.

21 A. 'Cause that's evidence that we would share
22 with attorneys --

23 Q. Okay.

24 A. -- if asked to.

25 Q. Okay.

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1 A. But I know I shared videos.

2 Q. Right.

3 A. Yeah.

4 Q. And we -- And we've received some --

5 A. Okay.

6 Q. -- of those videos and I've -- I've been able
7 to -- to look through those. It's my understanding that
8 you have some additional videos that you did not produce
9 or recently found that you are going to produce to your
10 attorneys; is that right?

11 A. I mean, I -- I have -- any videos that I have
12 I've always had in possession. And then when an attorney
13 asks me for -- they might ask me for a particular day --

14 Q. Uh-huh.

15 A. -- for a defendant or a plaintiff or myself in
16 this case --

17 Q. Uh-huh.

18 A. -- so I might be asked for a particular day.
19 That's usually -- or a particular event --

20 Q. Uh-huh.

21 A. -- of one day, so that's usually how it works,
22 so I honestly can't answer exactly what I was asked to
23 produce.

24 MR. ROTHERT: If we could go off the record.

25 Can we go off the record for a second?

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1 MS. DUNCAN: Yeah, yeah.

2 (Questions by Ms. Duncan)

3 Q. So, ma'am, I understand that you've given your
4 attorney all the videos that you have from September 15,
5 2017; is that correct?

6 A. Yes.

7 Q. But you have additional videos from
8 September 16, 17, and perhaps more?

9 A. That's correct.

10 Q. Okay. And you intend to give those videos to
11 your attorney or you already have; is that right?

12 A. As I said, I -- I operate very specifically,
13 so if an attorney is asking me for, you know, it's my --
14 that's the purpose that -- the reason that I'm out there
15 is to -- to be a deterrent, you know, observe the
16 situations, and then the third thing is if an attorney
17 ever asks me for any video from a particular incident or
18 a particular day, I would never hold that back.

19 Q. Sure.

20 A. Yeah.

21 Q. And is that any attorney's request or only --

22 A. Any attorney of a -- is a defendant or a
23 plaintiff that needs that. And not just any attorney.
24 Right, it would be a specific attorney that's
25 representing someone.

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1 Q. Okay.

2 A. 'Cause there's the chain of custody I'm
3 familiar with, so...

4 Q. Okay.

5 A. Yeah.

6 Q. I want to take us back to September 15, and
7 you said that you arrived at Clark and Tucker at about
8 5:00 p.m. and that there was a tense scene --

9 A. Uh-huh.

10 Q. -- 'cause there was some interactions that had
11 gone down. What do you mean by interactions that had
12 gone down?

13 A. So, I wasn't there, so I don't know, but when
14 I arrived, there was a heavy, like I can almost say I was
15 exposed, you know, it was a very heavy pepper spray type
16 chemicals in the air.

17 Q. Uh-huh.

18 A. So, and there were people upset, crying, maybe
19 screaming.

20 Q. Okay.

21 A. Not a lot of protestors, not 500. I want to
22 say it was more like a hundred.

23 Q. Okay, okay. And you said that you saw a line
24 of police officers?

25 A. Starting to kind of form.

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1 Q. Okay.

2 A. Right, not a solid, you know --

3 Q. Uh-huh.

4 A. -- yet.

5 Q. Uh-huh. At that point, did you see buses at
6 that intersection?

7 A. I did -- I don't recall seeing a bus, no.

8 Q. Okay. You said that you heard a dispersal
9 order from Mr. Ross, Officer Ross?

10 A. That's right.

11 Q. Okay. And at the time that he gave that
12 dispersal order, did you, in fact, disperse?

13 A. No.

14 Q. When you said that --

15 A. I may have been on the -- I may have been
16 standing in the street and then moved to a sidewalk.
17 That's typically what --

18 Q. Okay.

19 A. -- I'll do if I'm dispersed to.

20 Q. If you're asked to disperse, that's what you
21 will do, you'll move --

22 A. I'll --

23 Q. -- from the street to the sidewalk?

24 A. Well, I -- I'm almost always on the sidewalk
25 anyway observing, but if I happen -- I believe when that

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1 dispersal order was given by -- by an Officer Ross, I --
2 I pretty much recall that I was a couple of -- a foot or
3 so from the curb and I stepped on the sidewalk.

4 Q. Okay.

5 A. That's right.

6 Q. Okay. But you said you didn't disperse?

7 A. So, by --

8 Q. You moved from the street to the sidewalk?

9 A. Right, so by dispersing meaning -- to me I
10 followed -- I'm not sure if the dispersal order was to --
11 it wasn't explained, well, like, to leave the area or, so
12 I stepped onto the sidewalk, in my mind thinking that,
13 well, I'm on the street, so let me go where he's ordering
14 me to go to --

15 Q. Uh-huh.

16 A. -- a public sidewalk.

17 Q. Did he said to -- Did he -- Did Mr. -- I'm
18 sorry. Did Officer Ross say to move to the sidewalk?

19 A. No, I'm sure that was not what he said.

20 Q. He said to disperse?

21 A. That's right.

22 Q. Okay. How many feet from the curb was the
23 sidewalk, roughly, if you remember?

24 A. How many feet from the --

25 Q. Yeah, I --

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1 A. -- curb --

2 Q. -- guess, how --

3 A. -- was the sidewalk?

4 Q. -- how long -- You said you were near the
5 curb?

6 A. Right.

7 Q. I guess how many -- when he gave --

8 A. Maybe --

9 Q. -- that dispersal order, how far away did you
10 walk?

11 A. About a foot or so.

12 Q. Okay.

13 A. It was I was close.

14 Q. Anything else you remember seeing at Clark --
15 Well, let me ask you this: Did you see anyone be maced,
16 pepper-sprayed, or teargassed at that location? I
17 know that you said --

18 A. Yes.

19 Q. -- when you got there, you --

20 A. I hadn't seen, but I smelled it.

21 Q. Right.

22 A. Uh-huh.

23 Q. But after that, did you see or observe anyone
24 get maced, pepper-sprayed, or teargassed?

25 A. I did.

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1 Q. Okay. Do you remember who that would have
2 been?

3 A. Myself.

4 Q. Were you directly sprayed?

5 A. Well, not like (indicating) from this
6 distance, but in my general area, yes.

7 Q. Okay. So, you were exposed to --

8 A. Yes.

9 Q. -- that would be accurate to say?

10 A. Yes.

11 Q. Okay.

12 A. And then others, as well, but...

13 Q. Do you remember anyone else that was there
14 that was --

15 A. Yes.

16 Q. -- pepper-sprayed --

17 A. Yes.

18 Q. -- or maced?

19 A. There's three locations that I'm thinking of.
20 One was at the -- a few feet north of the intersection,
21 north and on the west side of Tucker, at that
22 intersection there was spraying occurring as a police
23 line was moving. There was another line of police,
24 another time that they were spraying and it was
25 Officer Rossomanno, across -- there was a police line

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1 starting to form across Clark just west of Tucker. And
2 then the most egregious spraying that was really quite
3 upsetting to me was occurred on the sidewalk on the Clark
4 north side sidewalk just outside the City Hall parking
5 lot, which there's a wall, brick wall there.

6 Q. Uh-huh.

7 A. There were protestors, a couple of protestors,
8 not that many, complying with an order to move along
9 towards Tucker on that Clark sidewalk and it was a riot
10 line of police moving people and what I observed from a
11 close distance was an officer, not Rossomanno, an officer
12 jumped out from behind that tight police line and sprayed
13 another legal observer right in the face from this
14 distance (indicating) and then jumped back behind.

15 Q. And "from this distance," you're demonstrating
16 a couple --

17 A. Literally --

18 Q. -- of feet away?

19 A. That's right.

20 Q. Okay.

21 A. Right in the eyes.

22 Q. Who was the legal observer that you saw that
23 was maced?

24 A. Ken Blumenthal.

25 Q. Okay.

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1 A. He's an attorney.

2 Q. In these -- How close were you to Ken when he
3 was maced?

4 A. The distance between Brendan and I (pointing).

5 Q. Would you say that's three or four feet?

6 A. Maybe five.

7 Q. Okay.

8 A. Uh-huh. There were other protestors sprayed
9 at that moment, as well --

10 Q. Uh-huh.

11 A. -- but to be honest, I was focused on Ken.

12 Q. Okay.

13 A. Uh-huh. And if I can just say that about an
14 hour later, when that scene was dying down, I saw him
15 in -- right in front of City Hall unable to -- to barely
16 open his eyes and in extreme pain and I was trying to --
17 he said he wouldn't be able to drive home and I was
18 thinking -- we were trying to work out would he call his
19 wife or what -- what we were going to do next, but...

20 Q. Uh-huh. I want to take us back a little bit
21 before Ken Blumenthal. You said --

22 A. Uh-huh.

23 Q. -- you saw some spraying happening. Do you
24 know what -- what the situation was that caused pepper
25 spray or mace to be deployed?

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1 A. So, the first time that I saw it at that
2 intersection I believe was on that same sidewalk that
3 they were moving Ken and et cetera--

4 Q. Uh-huh.

5 A. -- off of, but -- but it was further to the
6 west on that sidewalk --

7 Q. Okay.

8 A. -- further from that corner. So, there was --
9 there were a couple of protestors, maybe 20 or 30, that
10 were not blocking the street. They were on the sidewalk
11 and they were a little bit in the street, as well.
12 Probably not even a whole lane. And they were -- But I
13 can't recall hearing a dispersal order at that time, but
14 I heard, "Move back," that kind of language, "Move back."

15 Q. And did the protestors move back?

16 A. I don't recall.

17 Q. Okay. And is it at that point that mace or
18 pepper spray was deployed?

19 A. Yes.

20 Q. Okay.

21 A. That was one of the times.

22 Q. Okay. Any time after that other than the
23 "move back" situation and the situation with
24 Ken Blumenthal that you remember?

25 A. Right. So, there was that police line that

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1 was starting to form that wasn't solid yet, but just west
2 of Tucker on Clark, across Clark. So, I was standing on
3 the south end of that police line, very close to the curb
4 there, and the spraying was happening right there.

5 Q. Do you know what caused the spray to be
6 deployed in that situation?

7 A. Again, it was chaotic. To me it seemed like
8 the police response was chaotic, as well --

9 Q. Uh-huh.

10 A. -- 'cause there was kind of police scattered
11 around. It looked like they were trying to form a line,
12 but it wasn't clear to me where they were trying to move
13 the protestors to. Eventually I -- I could figure that
14 out. It was they were trying to move people towards
15 Tucker --

16 Q. Uh-huh.

17 A. -- but at that moment where there was spraying
18 happening and a choke hold, by the way, there was that
19 same language, "Move back" --

20 Q. Uh-huh.

21 A. -- and there was spraying happening at the
22 same time.

23 Q. Do you know whether protestors moved back when
24 they were commanded to?

25 A. I did observe -- I can't observe everything,

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1 you know, at that whole intersection, right?

2 Q. Uh-huh.

3 A. So, what I observed in that location was a
4 couple of protestors complying by moving quickly from the
5 west to the -- towards Tucker and being sprayed and choke
6 hold dragged to the ground.

7 Q. Okay. When you say "choke hold," what do you
8 mean?

9 A. So, there was a particular guy who was
10 basically running backwards. I'm assuming complying
11 because he was moving in that direction. And from
12 behind, who he would not have been able to see, he was
13 grabbed by an officer like this (demonstrating) roughly
14 and thrown to the ground.

15 Q. Do you know what would have -- what would have
16 happened before that to -- to cause the officer to react
17 in that way?

18 A. He was moving quickly backwards.

19 Q. Uh-huh.

20 A. But I can't predict. I -- Yeah.

21 Q. So, you don't know, but all you -- all you saw
22 was a person moving back quickly and then an officer
23 restraining --

24 A. That's right.

25 Q. -- the -- Okay. And was this person a

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1 protestor?

2 A. Yes.

3 Q. Okay. Anything else that you observed there
4 at Clark and Tucker?

5 A. There was another spraying. It was either
6 very shortly before or very shortly after the
7 Ken Blumenthal spraying and it was in the street on
8 Tucker just a few feet east of Clark.

9 Q. And was this towards an individual protestor?

10 A. So, they -- the police line was trying to
11 continue to move protestors, like, looks like completely
12 off of Clark and onto Tucker and then maybe like even
13 north of Tuck- -- on Tucker.

14 Q. Uh-huh.

15 A. And there was a woman, an older woman, an
16 elderly woman in a white skirt, red top, tall woman who
17 was standing in that -- right in that intersection as
18 that line was moving, that --

19 Q. Uh-huh.

20 A. -- cop line was moving, and I noticed that she
21 was pushed to the ground by police.

22 Q. Uh-huh.

23 A. And a young man protestor moved to that area
24 I'm assuming to assist her, I don't know, but he seemed
25 upset and he approached her and that's when some spraying

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1 occurred in our direction. I'm considering myself
2 sprayed because I was maybe 15 feet away and it was --

3 Q. Okay.

4 A. -- made me cough and...

5 Q. Okay. So, you saw a tall woman standing in
6 the intersection and the police are trying to --
7 they're -- they're moving people back; is that correct?

8 A. They're -- They're trying to move everybody,
9 right, onto Tucker and kind of like north of --

10 Q. North on Tucker?

11 A. -- that inter- -- That's right.

12 Q. And she's standing in the middle of the
13 street?

14 A. She was. I wondered if she really understood
15 or heard.

16 Q. Uh-huh.

17 A. That -- That occurred to me that she might not
18 have --

19 Q. Did you --

20 A. -- understood.

21 Q. Did you hear the police say, "Move back"?

22 A. I would have to consult my notes. I -- I'm
23 assuming that I heard, "Move back."

24 Q. Uh-huh.

25 A. Uh-huh.

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1 Q. And then was she moving back or was she
2 continuing to stand?

3 A. She was just standing there. She seemed a
4 little bit dazed --

5 Q. Uh-huh.

6 A. -- to me. She was elderly and I wondered if
7 she was fully with it.

8 Q. Uh-huh. Any other spraying, macing,
9 teargassing, pepper spray that you saw deployed?

10 A. No, those were the three.

11 Q. Okay.

12 A. And I did hear a dispersal order, as I said,
13 from Officer Ross --

14 Q. Uh-huh.

15 A. -- but I don't recall hearing any chemical
16 munition warning at that location.

17 Q. And at what point did you hear the dispersal
18 order from Officer Ross?

19 A. As when I approached around 5:00, 5:15.

20 Q. Okay. Any other dispersal orders that you
21 heard other than from this -- from Officer Ross?

22 A. Not that I can recall.

23 Q. After you were at Clark and Tucker, where did
24 you go?

25 A. At approximately eight o'clock was when I

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1 arrived at Central West End, Maryland Plaza and Euclid.

2 Q. So, when did you -- did you leave Clark and
3 Tucker at around that time?

4 A. I left there around 6:00, I think.

5 Q. Between the hours of 6:00 to 8:00 p.m. on
6 September 15, what did you do?

7 A. Excuse me. I -- I don't recall other than
8 I -- I -- I know that I parked over at Whole Foods and
9 probably went in there to get something to eat and just
10 sit and rest in my car. That's an approximate.

11 Q. Sure. And at 8:00 p.m., you said you were at
12 Maryland and Euclid?

13 A. That's right.

14 Q. And what was happening at Maryland and Euclid?

15 A. Just people sitting, congregating. Very large
16 group of protestors. I want to say probably not a
17 thousand, but 800, something like that, 500. So, just in
18 the intersection. I -- I guess there was some chanting.
19 I can't remember the chants --

20 Q. Okay.

21 A. -- if there were, but...

22 Q. Is this the crowd that descended onto the
23 mayor's house?

24 A. It was a very large crowd and I'm pretty
25 certain that all of those people did not go to the

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1 mayor's house. There wasn't 800 people at the mayor's
2 house that I recall.

3 Q. Okay.

4 A. So, I can't say that all of them, no.

5 Q. Right. But do you remember that a part of
6 that group --

7 A. Yes.

8 Q. -- at least went to the mayor's house?

9 A. That's right.

10 Q. Okay. And did you follow them to the mayor's
11 house?

12 A. I did.

13 Q. Okay. At the mayor's house, how many people
14 would you say were there?

15 A. Several hundred.

16 Q. Okay. And what did you observe?

17 A. We were not there very long. I honestly
18 needed to sit down for one minute and tie my shoes, so I
19 personally, me and another legal observer, were sitting
20 on a large storm sewer curb that was located almost at
21 the intersection of Westminster and Lake --

22 Q. Okay.

23 A. -- to the side of her house, not the front of
24 her house, but that side, so we were sitting on that curb
25 tying shoes, resting for a minute facing away from her

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1 house and she and I heard a very loud crash right behind
2 us. It was very startling. So --

3 Q. What do you mean by "crash," you mean
4 broken --

5 A. Just --

6 Q. -- glass? You mean vehicles --

7 A. Yeah.

8 Q. -- colliding?

9 A. Like at the -- at the moment, I didn't know
10 what it was, you know, but it was a startling loud noise
11 that, yeah, I think sounded like a window breaking.

12 Q. Okay.

13 A. Right.

14 Q. Do you know whether -- at that location
15 whether some protestors were throwing rocks at the
16 mayor's house?

17 A. I don't -- I didn't observe that. I didn't
18 observe what happened behind me, that loud crash. I was
19 assuming it was some -- a hard object. I don't know if
20 it was a rock or what it was.

21 Q. Uh-huh.

22 A. I also don't know if it was a protestor,
23 but -- but someone in the crowd did that.

24 Q. Uh-huh, okay. What else did you observe by
25 way of protestor activity at the mayor's house?

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1 A. I -- We were there a very short time, so just
2 congregating, probably some chanting.

3 Q. Uh-huh. Did you see any paint being thrown?

4 A. I didn't. I heard about that from someone. I
5 don't -- I may have seen it. I'm not remembering the
6 paint.

7 Q. Okay. Did you see any rocks being thrown by
8 protestors?

9 A. I did not.

10 Q. Okay. Did you see any water bottles being
11 thrown by protestors?

12 A. I honestly don't recall seeing that. I'm not
13 saying it didn't happen. I didn't ob-

14 Q. That's fine.

15 A. I didn't observe it, yeah.

16 Q. That's fine. I'm just --

17 A. Okay.

18 Q. -- asking about your recollection.

19 A. Uh-huh.

20 Q. When did you end up leaving the mayor's house?

21 A. About 10:00.

22 Q. Okay. So, how long were you at the mayor's --

23 A. About 15 minutes.

24 Q. Okay. So, from the time of 8:45 to 9:45 p.m.,
25 you were at Maryland and Euclid or you were traveling

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1 with the group?

2 A. Traveling.

3 Q. Okay. And what is the route that you-all
4 took?

5 A. I believe it was north on Euclid and then west
6 on a gated community type street, which I want to say was
7 Waterman.

8 Q. Okay.

9 A. So, that one block, crossed over Kings., and
10 continued on Waterman.

11 Q. Okay. How were the police stationed during
12 this march?

13 A. So, also if I can say because I don't know if
14 we're going back to the mayor's house at some point
15 because -- can I tell you what I observed that was very
16 disturbing at the mayor's house or would that be later?

17 Q. I --

18 A. It was a --

19 Q. Sure.

20 A. It was a chemical deployment that...

21 Q. Right. Okay.

22 A. should I tell you about that?

23 Q. Sure.

24 A. So, that was about 9:45 or 10:00 --

25 Q. Uh-huh.

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1 A. -- when -- well, immediately after the loud
2 noise, the window breaking --

3 Q. Uh-huh.

4 A. -- so there were sirens. Police were coming.

5 Q. Uh-huh.

6 A. So, the crowd was -- I would say the crowd
7 seemed very startled by that noise, as well, and left,
8 they -- was leaving the area.

9 Q. Uh-huh.

10 A. We remained, a group of LOs, because there
11 were still ten or 20 protestors there in the intersection
12 of her house. So, when the -- when that first deployment
13 of police arrived, it was about five of them.

14 Q. Uh-huh.

15 A. They jumped out of their car, said, "Move
16 back," and immediately pepper-sprayed at close range two
17 black males and one black female, young --

18 Q. Uh-huh.

19 A. -- people.

20 Q. Uh-huh. Before --

21 A. So, that was disturbing. There was no order
22 that that -- that the munitions were going to be
23 deployed.

24 Q. Uh-huh.

25 A. There was a "move back" order.

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1 Q. Okay. And did the protestors move back?

2 A. They were running at the time. They were
3 moving fast --

4 Q. Uh-huh.

5 A. -- along the sidewalk when the police arrived,
6 I believe from Westminster, you know, from the east
7 side --

8 Q. Uh-huh.

9 A. -- I think they arrived, they drove up, jumped
10 out of their cars. So, those three young people were
11 running away --

12 Q. Uh-huh.

13 A. -- on the sidewalk and were sprayed.

14 Q. Uh-huh.

15 A. Running away --

16 Q. But you --

17 A. -- with their face towards the police --

18 Q. Uh-huh.

19 A. -- you know, on the backwards.

20 Q. Uh-huh. But you didn't see who -- your
21 testimony is you didn't see who was throwing things at
22 the mayor's house, right?

23 A. I didn't. I didn't.

24 Q. And you don't know --

25 A. My --

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1 Q. -- who broke the window?

2 A. I do not.

3 Q. Okay.

4 A. No. And that --

5 Q. Any --

6 A. -- those -- the -- those three protestors or,
7 you know, young people -- I'm assuming they're prote- --
8 that were sprayed at point-blank range --

9 Q. Uh-huh.

10 A. -- crossed over to our side of the street and
11 other protestors came and flushed their eyes --

12 Q. Uh-huh.

13 A. -- with the milk of mag. and they were in
14 pretty extreme pain --

15 Q. Uh-huh.

16 A. -- so it was upsetting to see that.

17 Q. Uh-huh. You said that there were -- Well, I
18 guess let me -- At the time that you -- What commands did
19 you hear were given at the mayor's house by police?

20 A. The police were not at the mayor's house --

21 Q. Uh-huh.

22 A. -- when we arrived. The first time I -- that
23 I'm aware of that the police were at the mayor's house
24 was after the window breaking.

25 Q. Okay. Before, just to back up a little, from,

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1 I guess, eight o'clock to 9:45, you said that you were
2 following the crowd of protestors.

3 A. That's right.

4 Q. What is the route that you took?

5 A. Well, as I said earlier, north on Euclid --

6 Q. Okay.

7 A. -- west on Waterman, I believe --

8 Q. Okay.

9 A. -- and north on Lake.

10 Q. What is some protest activity that you
11 observed during that time?

12 A. So, if you can believe it, you know, it was a
13 huge crowd, I would say most of them were on the
14 sidewalk, but there were some in the street.

15 Q. Uh-huh. Okay.

16 A. So, just in the street marching, that's --

17 Q. And what --

18 A. -- that's the protest activity. And probably
19 some signs.

20 Q. Uh-huh.

21 A. Some chanting.

22 Q. Uh-huh. Uh-huh. Okay. Anything else you
23 remember observing from eight o'clock to 9:45 on
24 September 15?

25 A. No.

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1 Q. Okay. You said you left the mayor's house at
2 10:30?

3 A. No.

4 Q. Around ten o'clock?

5 A. Nine -- Let's see. I think we arrived around
6 9:45 and moved away from the house starting around 10:00.

7 Q. Okay. And you said there were several hundred
8 people there, right?

9 A. I would say, well, at least a hundred, but...

10 Q. Okay. Why were you moving away from that
11 area?

12 A. Being myself?

13 Q. Uh-huh.

14 A. Well, the protestors were leaving the area --

15 Q. Okay.

16 A. -- except for a few, and which is why I
17 stayed.

18 Q. Uh-huh. And then at around -- What do you do
19 after that? Then after the mayor's house, what did you
20 do?

21 A. So, the protestors moved to the intersection
22 of Lake and Waterman --

23 Q. Uh-huh.

24 A. -- and that's when I saw a very large police
25 presence, probably a hundred, and they were giving --

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1 Let's see. I believe that they -- they were forming a
2 line kind of kitty-corner from, so it was a little
3 confusing, the orders at that time, because they were
4 coming in from the east and they were starting to kind of
5 line up between the southwest corner of that intersection
6 over across to the west north instead of, like, across --

7 Q. Uh-huh.

8 A. -- Waterman, it was more like a zigzaggy
9 thing. Do you want me to continue? And -- And
10 so that --

11 Q. Sure.

12 A. Yeah, it was a very large police presence --

13 Q. Uh-huh.

14 A. -- and the orders being given were to head
15 west on Waterman. And I had several protestors approach
16 me and to say, "Do you know where we're supposed to go
17 because we just headed west and we were ordered by some
18 other police officers to head" -- I'm sorry -- "We were
19 headed east as we were told to, and when we tried to do
20 that, we were told by other officers to head west on
21 Waterman" --

22 Q. Uh-huh.

23 A. -- so there was a discrepancy in orders.

24 Q. Uh-huh. And after that, what did you do;
25 where did you go?

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1 A. Well, I stood at that intersection observing
2 police at that intersection for a fairly long period of
3 time. Well, fifteen minutes anyway.

4 Q. Uh-huh, okay. And then what did you do?

5 A. Then the police started to form -- more and
6 more police came, County, probably up to maybe even more
7 than a hundred, and they started to form a more solid
8 line across Waterman to the point of sidewalk to
9 sidewalk --

10 Q. Uh-huh.

11 A. -- blocking egress --

12 Q. Uh-huh.

13 A. -- as far as east to west.

14 Q. Uh-huh. And then what did -- what happened?

15 A. So, I -- So -- I'm sorry. So, I moved west.

16 Q. Okay. West on Waterman?

17 A. That's right.

18 Q. Okay. And this was about at what time?

19 A. 10:15.

20 Q. Okay, and then what happened; where did you go
21 then?

22 A. So, there was an order, I believe it was an
23 amplified order, which was nice, maybe even a van
24 amplified order to disperse west on Waterman.

25 Q. Okay.

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1 A. So, I --

2 Q. At this point, how many protestors are -- are
3 there in this crowd?

4 A. I know that there was quite a few, like maybe
5 50 or so, that made it east before there was a change in
6 orders to go west and then I didn't observe anything
7 headed that way. But how many protestors on the west
8 side? Under a hundred. Maybe 50.

9 Q. Okay. And when you were given the order to
10 disperse west on Waterman, did the protestors, in fact,
11 disperse?

12 A. Yes, moving west towards Union --

13 Q. Okay.

14 A. -- uh-huh.

15 Q. And did they move there as a group or did they
16 go their -- their separate ways?

17 A. Well, so, I would say more or less as a group
18 kind of moving slowly --

19 Q. Uh-huh.

20 A. -- west.

21 Q. Okay.

22 A. Not a quick scatter, uh-huh.

23 Q. Okay. So, they stayed as a group and went
24 west on Waterman is your recollection?

25 A. There may have been 30 or so that were kind of

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1 I would call a group and then maybe another ten or 20
2 that were loosely still further west.

3 Q. Okay. So, the crowd goes west toward Union
4 and this is about at 10:15?

5 A. Uh-huh.

6 Q. Okay. So, then what did you observe after
7 that? Where did you go?

8 A. So, then there was teargas deployed.

9 Q. Okay.

10 A. Uh-huh. And I believe --

11 Q. Towards who?

12 A. -- it was -- Well, I believe that there was a
13 canister -- excuse me -- shot to the east first and
14 then --

15 Q. Did you see that?

16 A. I saw a -- You know, I'm -- I saw a cloud that
17 I believe was teargas to the east seconds before a
18 canister was shot our way to the west.

19 Q. Okay. You say that it was shot.

20 A. Right.

21 Q. Do you know from --

22 A. I don't know --

23 Q. -- what it was shot?

24 A. I don't --

25 Q. -- from whom?

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1 A. -- know anything more than I just -- I
2 observed smoke in that -- I mean, I observed gas --

3 Q. Okay.

4 A. -- in that in the general -- in the air just
5 east of.

6 Q. Okay. And do you know where the canister was
7 coming from?

8 A. So, the -- the canister that I actually
9 observed the canister --

10 Q. Uh-huh.

11 A. -- on the ground behind me came from the
12 direction of the police line --

13 Q. Uh-huh.

14 A. -- at that intersection --

15 Q. Okay.

16 A. -- I believe.

17 Q. And it dispersed what? What was in the air at
18 that point?

19 A. Teargas.

20 Q. Okay.

21 A. Uh-huh.

22 Q. And you said there's about 50 people at this
23 point?

24 A. I believe so.

25 Q. Okay. And this was after the dispersal order

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1 was given?

2 A. Yes.

3 Q. Okay. And at that point, teargas was
4 deployed --

5 A. That's right.

6 Q. -- is that your understanding?

7 A. And I don't recall a -- I just want to make
8 sure that I note that. I don't recall hearing a chemical
9 munitions deployment dispersal order being given.

10 Q. But it was your testimony that you heard the
11 dispersal order to go west on Waterman --

12 A. Yes.

13 Q. -- right?

14 A. Yes.

15 Q. Okay. And then after that, what happened?

16 A. So, I was with a couple of other legal
17 observers and we were overcome by the gas. It was very
18 painful, choking, and your throat. I had difficulty
19 breathing for a bit, eyes burning, and we raced down an
20 alley, I think an alley, and just kind of ducked down,
21 concerned that there might be more. Not -- Not clear to
22 us how to leave the area because the teargas landed to
23 the west of us where --

24 Q. Uh-huh.

25 A. -- we were told to disperse. We were told to

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1 disperse west. The canister lands to the west of us.
2 So, we travel down an alleyway that unfortunately became
3 a dead end. So, and -- and just sat behind there and
4 gave each other medical assistance --

5 Q. Uh-huh.

6 A. -- with the milk of mag. and so forth and we
7 were just kind of in that medical huddle for a good ten
8 minutes until we started to feel better and then exited
9 west to Union.

10 Q. Okay. What did you do west of Union?

11 A. We walked as a group north -- I'm sorry --
12 south on Union and then west on Lindell.

13 Q. Okay. And were there a group of you at this
14 point?

15 A. Group of LOs.

16 Q. Okay.

17 A. Uh-huh.

18 Q. And what were you doing? Were you looking for
19 protestors to observe at that point?

20 A. Yes.

21 Q. Were you --

22 A. We -- We were concerned about whether the
23 protestors had a legal observer. The protestors that had
24 dispersed east --

25 Q. Uh-huh.

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1 A. -- we didn't know if there was a legal
2 observer with them or not, so, and we knew that a group
3 had traveled east --

4 Q. Uh-huh.

5 A. -- so that's where we were headed.

6 Q. Okay. And did you, in fact, catch up with the
7 other group?

8 A. Yes.

9 Q. And where was this, was this on Lindell?

10 A. So -- So -- No, we were by ourselves until we
11 arrived Kingshighway, traveled north on Kings., and maybe
12 less -- certainly less than a block. I don't -- Maybe
13 500 feet or something or a thousand feet south of the
14 CRC, the Central Reform Cov- -- yeah, to the CRC.

15 Q. Okay.

16 A. There was a line of riot police across
17 Kingshighway sidewalk to sidewalk --

18 Q. Uh-huh.

19 A. -- so they were preventing us from being able
20 to observe protestors --

21 Q. Uh-huh.

22 A. -- that were on the other side of that line.

23 Q. Uh-huh. Did they tell you to move back?

24 A. Yeah, that was the command, I believe, "Move
25 back."

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1 Q. And did you do that?

2 A. Yes.

3 Q. Okay. And where did you move back to?

4 A. So, that line of police was pushing everyone.
5 Unfortunately, I did overhear protestors saying -- asking
6 officers if they could get to their cars that were just
7 on the other side of that line and they were told no,
8 move -- move back --

9 Q. Uh-huh.

10 A. -- so everyone was pushed south on Kings. And
11 then people moved east on Maryland Plaza. The riot line
12 of police followed them and continued to push them.

13 Q. At this point, did you -- how many numbers of
14 people are we talking, still the 30 to 50? Forty to 50?

15 A. Right, or -- yeah.

16 Q. Okay. Did you hear a dispersal order there on
17 South Kingshighway after you were told to move back?

18 A. I -- I heard just, "Move back," is what I
19 recall --

20 Q. Okay.

21 A. -- at this time.

22 Q. Okay. So, you're there on South Kingshighway,
23 they're telling you to move back. Where do you guys go?

24 A. Maryland Plaza to the intersection of Euclid.

25 Q. Okay. And at that point, what happens, if

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1 anything? Is this still the 30 --

2 A. The li- -

3 Q. -- the 40 to --

4 A. There was still --

5 Q. -- 50 people?

6 A. -- like a -- Yes. So, still a line, the
7 police line. They removed people who were sitting at
8 restaurant outdoor patio equipment and they were still
9 sidewalk to sidewalk. Basically no way to move west of
10 that line.

11 Q. Uh-huh.

12 A. And they stopped, the police line stopped, at
13 that intersection just west of Euclid.

14 Q. Okay.

15 A. Ten feet west of it.

16 Q. Okay. And then what happened, if anything?

17 A. They just stood there. The protest activity I
18 guess you could say was -- was just people there.

19 Q. Uh-huh.

20 A. Chanting maybe. And police just there.

21 Q. Okay.

22 A. So, you're asking what happened --

23 Q. So, there was kind of --

24 A. -- but...

25 Q. -- a standoff then?

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1 A. Yeah.

2 Q. They were holding their ground, protestors
3 weren't leaving; is that fair?

4 A. We stay until the last protestor is, so
5 they -- it may -- there may have been protestors that
6 left at that point I have to say, but there must have
7 been at least a dozen or so left or else we would have
8 left, too.

9 Q. Uh-huh. And then at that point, what happens?
10 There's about a dozen protestors --

11 A. Right.

12 Q. -- the police line is held?

13 A. Right.

14 Q. What happens, if anything?

15 A. I'm remembering an escalation with a window
16 that I did not observe, but I believe I heard a
17 shattering of a window pretty close around that time and
18 definitely that intersection and I want to say it might
19 have been a bar or something from the -- a restaurant
20 that is -- there was a window shattering on Maryland
21 Plaza, that's where the window was, and the restaurant
22 was that intersection. Maybe --

23 Q. Do you know how the window was shattered?

24 A. No, I don't. I remember hearing, I believe.
25 I believe I remember hearing it.

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1 Q. Hearing the window shatter or hearing how the
2 window shattered?

3 A. I think I heard it. And --

4 Q. Okay.

5 A. I mean, I heard that, yeah.

6 Q. Do you remember how --

7 A. No.

8 Q. -- whether a protestor broke the window or
9 not?

10 A. No, I -- I don't know that.

11 Q. Okay. After the shattering of a window, what
12 did you observe?

13 A. There was an intensification of the police, so
14 the -- that police line I believe moved pretty rapidly to
15 push people north on Euclid.

16 Q. Okay. And did the crowd comply?

17 A. Yes.

18 Q. Okay. And then after they're at North Euclid,
19 where did they go? At what time is this, approximately?

20 A. After midnight.

21 Q. Okay.

22 A. Between midnight and 1:00 a.m., I believe.

23 Q. Okay.

24 A. So, protestors moved north on Euclid and I'm
25 pretty sure it was a -- it was a sidewalk-to-sidewalk

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1 blockade --

2 Q. Uh-huh.

3 A. -- you know, and they were asked to keep
4 moving, keep moving, keep moving.

5 Q. Did they, in fact, keep moving?

6 A. Yes. Yeah.

7 Q. Okay. Okay. Where did they go after that?
8 We're down to about a dozen or so protes-

9 A. Right.

10 Q. -- tors, right?

11 A. Right. I -- What I remember is that police
12 line -- that tensions reduced --

13 Q. Uh-huh.

14 A. -- and the police line kind of retreated and
15 pro- -- and a couple of protestors moving back south on
16 Euclid.

17 Q. Uh-huh.

18 A. And that's where me and two other legal
19 observers positioned ourselves right outside that Whiskey
20 restaurant, so at the intersection there.

21 Q. Uh-huh.

22 A. And then there wasn't really much happening.
23 It was just police and protestors kind of just hanging
24 around.

25 Q. Uh-huh.

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1 A. Wasn't anything. But I heard a loud noise
2 maybe a half a block south of us on Euclid and I started
3 to smell a lot of teargas --

4 Q. Uh-huh.

5 A. -- and that's when I saw in particular that
6 officer that was overcome by the teargas --

7 Q. Uh-huh.

8 A. -- being brought to that intersection and
9 hustled into that restaurant and then the ambulance came.

10 Q. Okay. Do you remember anything after that?

11 A. No, I left very shortly after that.

12 Q. And at what time did you leave?

13 A. About 1:00 a.m.

14 Q. Okay. During the point where you hear the
15 window shattering and the intensification of police, do
16 you hear police giving dispersal orders?

17 A. I -- I heard, "Move back," I believe.

18 Q. Okay.

19 A. At this time, what I can tell you that I
20 remember is I heard, "Move back."

21 Q. Okay. You don't remember whether they gave
22 dispersal orders or not; is that fair?

23 A. I know that there was no clear amplified or
24 even megaphone type of an order to disperse from this
25 area. I -- I heard -- I believe I saw batons and

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1 commands to move back.

2 Q. Okay.

3 A. That's --

4 Q. That's all you remember?

5 A. That's right, at this time.

6 Q. Okay. So, you leave around 1:00 a.m., which
7 would have been, I guess, the morning of September 16,
8 2017, right?

9 A. That's right.

10 Q. Do you participate in any protest activities
11 or observing protest activities on Saturday,
12 September 16?

13 A. Yes.

14 Q. Okay. And what --

15 MR. ROTHERT: Before -- Before we start the --

16 MS. DUNCAN: Yeah.

17 MR. ROTHERT: -- new day, can we take a --

18 MS. DUNCAN: Absolutely.

19 MR. ROTHERT: -- brief break?

20 (At this point, there was a break taken from
21 10:21 a.m. to 10:29 a.m.)

22 (Questions by Ms. Duncan)

23 Q. Ma'am, I just want to ask you a few questions
24 before we get into September 16 --

25 A. Okay.

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1 Q. -- of 2017. Do you know who, if anyone, was
2 in the mayor's house?

3 A. No. Inside the mayor's house?

4 Q. Yeah, do you know was --

5 A. Oh, how would I know?

6 Q. -- was at home?

7 A. Oh, I would have no idea.

8 Q. Okay. Do you know if any family members were
9 in there?

10 A. I would have no idea.

11 Q. Okay. And as far as you said that you were
12 out there with other legal observers on September 15?

13 A. 15th, so which location? Oh, Lyda's house?

14 Q. Well, yeah, I guess -- I guess at any of them.
15 Were there a specific group of you at each of these
16 locations or different legal observers were at different
17 locations?

18 A. That's more like it --

19 Q. Okay.

20 A. -- yeah. There's a lot of us and...

21 Q. Okay. How many -- Let's start at Tucker and
22 Clark. Which legal observers were with you there?

23 A. Now, let me get that. So, okay, Tucker,
24 Clark. How many legal observers?

25 Q. The names of the legal observers. You

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1 mentioned Ken Blumenthal --

2 A. Right.

3 Q. -- as one?

4 A. Uh-huh.

5 Q. And then you?

6 A. Uh-huh.

7 Q. And then who else?

8 A. Mark Timmerman.

9 Q. Okay.

10 A. Let me think about that. That's all that come
11 to mind.

12 Q. At that location?

13 A. That's right.

14 Q. Okay. What about when you moved to the
15 Central West End on Maryland and Euclid?

16 A. So, you mean at the start of that march?

17 Q. Sure.

18 A. Nicole Warrington and myself. I'm trying to
19 think of Scott. Probably Scott Kampas.

20 Q. Okay.

21 A. Right.

22 Q. And then when you moved from Maryland and
23 Euclid to the mayor's house?

24 A. Oh, and I should say in addition to
25 Scott Kampas, there was Margaret Phillips.

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1 Q. Okay.

2 A. When we were moving, it was those same ones --

3 Q. Okay.

4 A. -- and as well at the -- at Lyda's location it
5 would have been --

6 Q. Okay.

7 A. -- the four of us, that's right.

8 Q. Okay. And then after moving from the mayor's
9 house onto Kingshighway area and then finally where
10 you-all ended up and left, who all was there, was it also
11 those four?

12 A. Say that again?

13 Q. Sure. After Lyda's house, you-all move to I
14 think it was Euclid and west on Kingshighway?

15 A. West on Kingshighway?

16 Q. Or maybe it was east.

17 A. I want you to be very specific.

18 Q. Well, I guess who -- who was there with you
19 that evening following Lyda's house, what other legal
20 observers were there?

21 A. So -- Well, they check in and out, so it's
22 going to take a minute to...

23 Q. Sure.

24 A. Okay. So, leaving Lyda's house, it was the
25 four of us. I feel like maybe Phillip Weeks might have

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1 popped up in there at some point, but I can't say when,
2 you know, like exactly which time or location, but I do
3 recall him walking with us east on Lindell --

4 Q. Okay.

5 A. -- towards Kings. and, honestly, I don't
6 remember interacting with him after that, so...

7 Q. Okay.

8 A. But anyway, so, the Central West End location,
9 several people dropped off and I would -- I really only
10 recall Scott Kampas. I remember Steven Hoffman coming in
11 late, like maybe that location, like around midnight or
12 11:00 or 12:00 or something. So, I really just recall
13 me, Steven, and Scott at that late hour.

14 Q. Okay. And this is Scott Kampas?

15 A. That's right.

16 Q. Okay.

17 A. Possibly Phillip in and out.

18 Q. Okay. And you said that the legal observers
19 come in shifts. Are they assigned a particular shift?

20 A. No. Well, no. Huh-uh.

21 Q. So, they come and go as they please?

22 A. Well, no, there's usually a coordinator. We
23 were all coordinators that were there, but. So,
24 typically, we're -- Well, I don't think I have to get
25 into all the details of our program here, so --

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1 Q. I'll ask you about that later.

2 A. Yeah. Oh.

3 Q. Yeah.

4 A. So, but, yeah, there -- go ahead.

5 Q. So, there weren't any particular shifts on
6 that particular day, September 15, 2017?

7 A. Not like hard shifts, right.

8 Q. Okay. Were there general time frames that you
9 wanted people to be at places?

10 A. It's -- It's not like that.

11 Q. Okay. We'll get into a little bit of the
12 program and how you-all are trained and things like that
13 a little bit later.

14 So, as far as September the 16th, 2017, what
15 did you do that day, how did your day start off?

16 A. Are you talking about in the morning?

17 Q. Yes. Did you participate in any legal
18 observing activ- --

19 A. Oh, no.

20 Q. -- ities on the morning --

21 A. No.

22 Q. -- of September 16?

23 A. No.

24 Q. Okay. At what point did you observe any
25 legal -- or protest activities on September 16?

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1 A. Yes.

2 Q. And what -- when did that happen?

3 A. It was about dusk and I arrived at the
4 intersection of Delmar and Skinker.

5 Q. Okay. And how did you know to go to that
6 location?

7 A. I -- I can't recall at this moment how I knew
8 to go to that location.

9 Q. Okay. And when you arrived at that location,
10 at what time? You said dusk. Would that have been --
11 What time would that have been?

12 A. So, I'm going to say 6:00.

13 Q. Okay. And what did you observe when you got
14 there?

15 A. There was a large group of protestors,
16 hundreds, maybe 300 and they were taking the -- called
17 taking the intersection, right.

18 Q. What does that mean?

19 A. And there was a die-in when I arrived. There
20 was a die-in occurring.

21 Q. What do you mean by "taking the intersection"?

22 A. They were in the intersection. Their bodies
23 were in the intersection.

24 Q. Is there traffic that was attempting to
25 maneuver around them?

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1 A. I don't recall the traffic situation --

2 Q. Could cars --

3 A. -- to be honest.

4 Q. -- get through?

5 A. No.

6 Q. And you mentioned a die-in?

7 A. Uh-huh.

8 Q. What is that?

9 A. That's where protestors are lying in the
10 intersection.

11 Q. Okay. And how long were the protestors taking
12 the intersection in -- in this die-in position?

13 A. I'm going to guess five minutes.

14 Q. Okay. So, from 6:00 a.m. (sic) to 6:05
15 a.m. (sic)?

16 A. Right.

17 Q. Okay. And were police at that location?

18 A. They were. There was police about a block
19 north on Skinker.

20 Q. Okay.

21 A. And I was -- I was at the -- at a particular
22 intersection --

23 Q. Uh-huh.

24 A. -- and which was east and north of that
25 intersection, so that's why I was only able to observe

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1 police activity to my north --

2 Q. Okay.

3 A. -- is what I'm saying, yeah.

4 Q. Okay. What did you observe the police doing,
5 if anything?

6 A. I believe it was just a couple of sedans or
7 SUVs just parked there observing.

8 Q. Uh-huh. So, from 6:00 a.m. (sic) to 6:05, the
9 protestors were in the street having this die-in, and
10 then after that, what happened?

11 A. And -- And there was no dispersal order, by
12 the way.

13 Q. Uh-huh.

14 A. Okay.

15 Q. Uh-huh.

16 A. No dispersal order at that location. Then the
17 march moved south on Skinker.

18 Q. There wasn't any pepper spray, mace, or
19 teargas deployed at Delmar and Skinker, was --

20 A. Not --

21 Q. -- there?

22 A. -- that -- That's correct; not that I recall.

23 Q. Okay. And you said the march moved south on
24 Skinker?

25 A. That's right.

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1 Q. Okay. And what happened there?

2 A. And I want to -- I want to say that I believe
3 that there was a police escort ahead and behind the march
4 and no dispersal order. Then they reached the
5 intersection -- we reached the intersection of Forest
6 Park Ave. and Skinker. I believe they just were taking a
7 corner there. There was not another die-in. There might
8 have been like a few second or minute hesitation. Maybe
9 they were deciding which direction they were going to go,
10 but, so, then the direction of the march moved east on
11 Forest Park Ave.

12 Q. And this is all in the street?

13 A. That's right.

14 Q. Okay. What did you observe protestors doing
15 at that time when they were moving east on Forest Park
16 and then south -- south on Skinker and then later east on
17 Forest Park?

18 A. Just marching and chanting.

19 Q. Okay.

20 A. Uh-huh.

21 Q. Did you see any rocks being thrown?

22 A. No.

23 Q. Any water bottles being thrown at police?

24 A. I did not observe that.

25 Q. Any windows breaking?

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1 A. I did not observe that.

2 Q. Any property damage at that time?

3 A. No.

4 Q. When they were east on Forest Park, then where
5 did they go?

6 A. North on a side street. It's the first light
7 I would say, you know, heading that direction.

8 Q. And then what happened?

9 A. And there were cars that were -- it was a
10 little tense I would say for the protestors at that point
11 because there were cars pushing, trying to head in that
12 direction where the protestors were at.

13 Q. Were those police cars or --

14 A. No.

15 Q. -- those were --

16 A. I --

17 Q. -- regular passenger vehicles?

18 A. Right. Right. I don't be- -- I don't really
19 recall a police presence there, so, anyways, so then the
20 movement was north on that side street there and for
21 maybe one block and then they headed back towards that
22 original intersection, so west on a side street and then
23 again north back to the original intersection.

24 Q. At Delmar and Skinker?

25 A. That's right.

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1 Q. Okay. What, if anything, occurred there?

2 A. I believe that's when most people went home.
3 The crowd really shrank at that point.

4 Q. At what time was that?

5 A. Maybe an hour later, 7:00-ish.

6 Q. Okay. What did you do at around 7:00 a.m.
7 (sic) on September 16?

8 A. 7:00 a.m.?

9 Q. Yeah, af- - after you said they went --

10 A. 7:00 p.m.

11 Q. 7:00 a.m. You said that this was in the
12 morning? No, you said dusk.

13 MR. ROTHERT: Can we go off the record?

14 MS. DUNCAN: Yeah, I'm sorry.

15 (At this point, an off-the-record discussion
16 was had.)

17 (Questions by Ms. Duncan)

18 Q. So, you were at 6:40 -- or 6:00 a.m. (sic) --

19 A. 6:00 a.m.?

20 Q. 6:00 -- You're at 6:00 p.m. to 6:05 at Delmar
21 and Skinker?

22 A. Yes.

23 Q. Okay.

24 A. Yeah.

25 Q. Okay. That's my mistake.

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1 A. Okay.

2 Q. And then we're going south on Skinker, east on
3 Forest Park, north on a side street, there's cars and
4 vehicles trying to get by the protestors in the street;
5 correct?

6 A. Yeah, it looked a little problematic for
7 protestors with there was angry people in their cars --

8 Q. Uh-huh.

9 A. -- yeah.

10 Q. 'Cause they were trying to get through on the
11 street?

12 A. I think one may have even jumped out and --
13 but anyway.

14 Q. Right. And then we're at 7:00 p.m. on Delmar
15 and Skinker?

16 A. That's right.

17 Q. And then what -- what did you do after that?

18 A. Like I said, a large number of those
19 protestors left and then I believe what happened was
20 there was another -- there was a group of maybe 50
21 protestors --

22 Q. Uh-huh.

23 A. -- that continued to march west on Delmar.

24 Q. Okay. And where did they go? Other than west
25 on Delmar, where else did they go?

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1 A. They were just heading west maybe as far as
2 the Police Department, the U. City Police Department.

3 Q. Okay.

4 A. Somewhere right around in there. And then
5 that's when a line of police showed up from the west and
6 lined up across Delmar facing east.

7 Q. Were there dispersals (sic) order given to the
8 protestors?

9 A. I have to think about that. I don't recall at
10 this time an order.

11 Q. So, there's 50 protestors, and what -- what
12 did you observe the protestors doing?

13 A. They were being confronted by police, so kind
14 of like approaching that police line and probably some
15 chanting --

16 Q. Uh-huh.

17 A. -- and...

18 Q. At that point, did you see any water bottles
19 being thrown, rocks being thrown at police?

20 A. I don't re- -- I don't recall seeing that.

21 Q. Okay. Did you hear any verbal threats against
22 police or their family members?

23 A. I didn't. I did not. I was on the extreme
24 south side of that line, so would have only been able to
25 hear what was happening on that side.

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1 Q. Okay. After they went west to the Police
2 Department at U. City, what did those other 15
3 protestors -- 50 protestors do; where did they end up?

4 A. Can you repeat that?

5 Q. Sure. You said that there were 50 protestors
6 that went west on Delmar and then west to the Police
7 Department of U. City. Where -- Where else did they go
8 after that?

9 A. There was a standoff --

10 Q. Okay.

11 A. -- for quite a long time --

12 Q. Okay.

13 A. -- maybe a half an hour, across Delmar there.

14 Q. Okay. Standoff --

15 A. And not -- not -- it was east of the Police
16 Department at that point.

17 Q. And by "standoff," you mean the police were
18 holding their line, the protestors weren't leaving,
19 everyone was just kind of --

20 A. That's right.

21 Q. -- standing there?

22 A. That's right.

23 Q. Okay. That lasted for 30 minutes and went up
24 to what, 7:30 p.m. that day?

25 A. Maybe, and maybe later.

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1 Q. And then where did you go, what did you do?

2 A. So, for a long period of time, the -- I'm
3 sorry. I mean, if you're asking me when I went home
4 after -- after legal observing in The Loop that night, I
5 went and ate something at Blueberry Hill.

6 Q. Uh-huh.

7 A. And I believe I just went home after that.

8 Q. Okay. You don't remember observing any
9 protest activity after 7:30 p.m. on September 16?

10 A. The -- That evening, I was in The Loop for an
11 hour or two observing and, unfortunately, my memory is
12 that it was nighttime. It could have been seven, eight,
13 nine o'clock. So, if I was there for a couple of hours,
14 I probably left at 10:00 or 11:00.

15 Q. Okay. Any teargassing, mace being used,
16 anything that you saw on September 16 in the evening?

17 A. I don't recall seeing any chemical deployment
18 there.

19 Q. And by "chemical deployment," do you mean
20 teargas, mace, or pepper spray?

21 A. That's right.

22 Q. Any protesting activity that you observed on
23 September 17, which would have been the Sunday?

24 A. So, do you want to start with -- is there a
25 specific location or time that you're talking about?

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1 Q. Let's start in the morning.

2 A. Okay. So, the morning of the 17th. Okay.
3 So, I arrived around three o'clock to a march that met up
4 at 20th and Olive, basically Police Headquarters.

5 Q. And you said that was about at 3:00 p.m.?

6 A. That's right.

7 Q. How many people did you observe at that march
8 at Police Headquarters?

9 A. It was a large number. Hundreds.

10 Q. Okay. And where did that march travel to?

11 A. SLU campus.

12 Q. And did it end at SLU campus?

13 A. No, it continued to Grand and then they went
14 north on Grand to that intersection where SLU is and then
15 they went back east on -- I don't know. It wasn't 20th I
16 don't think, but some street parallel to 20th --

17 Q. Okay.

18 A. -- back towards Headquarters.

19 Q. Okay. And what police -- or what protesting
20 activity did you observe during that march?

21 A. Marching, chanting.

22 Q. Was there a police presence at that march?

23 A. It was light. So, we were at Police
24 Headquarters, so, yes, there was -- there were police to
25 the west of -- of the starting point on Olive maybe a

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1 half a block out.

2 Q. Okay. What, if anything, did you observe
3 these police doing?

4 A. Observing.

5 Q. Okay. There's no teargas, mace --

6 A. No.

7 Q. -- pepper spray deployed at that point?

8 A. No.

9 Q. Okay. You said that the march started at 3:00
10 p.m. What time did it end?

11 A. About 5:00 or 6:00 at that same location.

12 Q. After -- And it ended at Police
13 Headquarters --

14 A. That's right.

15 Q. -- is that -- Okay. After being at Police
16 Headquarters after the march ended, where did you go?

17 A. So, there -- the march ended. There was even
18 an announcement that the march was ending. And most
19 people, you know, at least a hundred people left. A few,
20 you know, maybe 50 to a hundred remained, so, obviously,
21 I re- -- you know, I remained as a legal observer and
22 there was some loud noises to -- on 20th, a half a block
23 north on 20th north of Olive, so some protestors, a
24 handful of protestors and myself headed to that location
25 and it was one or two SU -- police SUVs with lights,

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1 there was a sedan, an undercover sedan, and there was a
2 confrontation with those police and a couple of young
3 black men. No idea if they were protestors or who they
4 were. It was right there at the --

5 Q. Okay.

6 A. -- police office, so, and there -- those --

7 Q. Do you know what the confrontation --

8 A. I --

9 Q. -- was about?

10 A. -- don't. I don't.

11 Q. Okay.

12 A. It was just I believe those young men said
13 they won't let us travel north or something like that.
14 They won't -- I'm trying to get through here and you're
15 not letting me, something like that. And, so, when we
16 started -- when a crowd started to arrive --

17 Q. Uh-huh.

18 A. -- it looked to me like the police -- the two
19 undercovers or the two people in the undercover got
20 spooked, they jumped into their sedan, and it was one of
21 the most disturbing things I've ever seen at a protest.
22 They went full-blown backwards into the crowd at a fast
23 speed --

24 Q. Uh-huh.

25 A. -- into the crowd and this was very shortly

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1 after Heather Heyer in Charlottesville --

2 Q. Uh-huh.

3 A. -- so it was quite disturbing. It's even hard
4 talking about. But they -- they went very fast speed
5 through that crowd and two -- a block or two all the way
6 to Pine --

7 Q. Uh-huh.

8 A. -- where the sedan stopped.

9 Q. Uh-huh.

10 A. And that really triggered the protestors and
11 they rushed to that sedan and then a riot line of police
12 came and --

13 Q. You said --

14 A. -- lined up on either side of the sedan and
15 then there was a confrontation.

16 Q. I want to back up a little bit. When you said
17 that there were loud noises on 20th and Olive, what loud
18 noises did you hear?

19 A. There was -- It was a shouting. It was a...

20 Q. Okay.

21 A. Yeah.

22 Q. Could you tell from whom, like who was
23 shouting?

24 A. I think the young man -- the young men that
25 were having the interaction with the police were

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1 shouting, "Hey, why don't" -- "why aren't you letting me
2 through?" or something like that.

3 Q. Okay. And then after the police car had
4 backed up, you --

5 A. Backed up? Oh --

6 Q. You said --

7 A. -- drove at 20 miles an hour or so, yeah.

8 Q. After the police car had backed up --

9 A. Yeah.

10 Q. -- you said that the protestors kind of
11 stormed the -- the car; is that fair?

12 A. The protestors were upset --

13 Q. Uh-huh.

14 A. -- by that action. I believe people were -- I
15 was right there and observing it. I stepped out of the
16 way of the car.

17 Q. Uh-huh.

18 A. Many people were jumping out of the way.

19 Q. Uh-huh.

20 A. And, so, protestors did run towards that
21 sedan, yes.

22 Q. Uh-huh. Did they encircle --

23 A. No.

24 Q. -- the sedan?

25 A. No.

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1 Q. Okay. What did you hear when you heard the
2 protestors confronting the people in the sedan?

3 A. I can't recall specific words --

4 Q. Uh-huh.

5 A. -- but they were upset. "What are you doing?"
6 that kind of thing.

7 Q. Uh-huh. After that happened, what -- what
8 happened next; where did you go?

9 A. So, they -- they were so upset by that
10 event --

11 Q. Uh-huh.

12 A. -- that they marched to the front of Police
13 Headquarters --

14 Q. Okay.

15 A. -- like maybe a hundred or so, and, so, I
16 followed them.

17 Q. Okay.

18 A. And there was some upset chanting and so forth
19 in front of the Police Department.

20 Q. And what do you mean by that --

21 A. Due to that --

22 Q. -- "upset chanting"?

23 A. Due to the re- -- I'm assuming due to
24 the response -- a response to what had just happened --

25 Q. Uh-huh.

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1 A. -- but I can't remember the exact words of
2 what they were saying.

3 Q. Okay. So, you followed the crowd from --

4 A. Pine and 20th to --

5 Q. To Headquarters?

6 A. Front door, right.

7 Q. Okay. How -- At -- At what point, I guess, at
8 what time did you arrive at Headquarters?

9 A. So, if the march -- if this all happened
10 around 7:00, then you're talking about after that
11 incident --

12 Q. Right.

13 A. -- the sedan incident?

14 Q. Right.

15 A. Was probably less than an hour from the time
16 the event ha- -- that sedan event happened.

17 Q. Okay. So, would that put us at about 7:00
18 p.m.?

19 A. 7:00 or 8:00.

20 Q. Okay.

21 A. 7:00 or 8:00. It wasn't quite dark yet.

22 Q. Okay.

23 A. It was getting there.

24 Q. Okay. And then at Police Headquarters, you
25 said you observed some upset chanting?

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1 A. Uh-huh.

2 Q. Anything else that you observed there?

3 A. No.

4 Q. Okay. What was police protes- -- or presence
5 like at Headquarters, if any?

6 A. I mean, there was the riot line at Pine.

7 Q. Uh-huh.

8 A. I don't recall there being police outside the
9 building right there where the protestors were. I can't
10 recall that.

11 Q. Okay. And then after you're at Police
12 Headquarters, where do you go?

13 A. Then the march started. They left -- They
14 seemed upset. They left Police Headquarters and marched
15 east on Olive.

16 Q. Okay.

17 A. And I took a break. I went to that parking
18 lot across from Police Headquarters and just sat and for
19 at least a half an hour and had a snack and a drink.

20 Q. Okay.

21 A. So, I don't know. I wasn't with the march
22 when they went east on Olive --

23 Q. Okay.

24 A. -- for a good, like, 45 minutes or so. Half
25 hour, 45 minutes.

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1 Q. Okay. Then after you took a break at Police
2 Headquarters for about 45 minutes, which would put us at
3 about what time would you say?

4 A. 8:00 or 9:00.

5 Q. Okay.

6 A. Uh-huh.

7 Q. After that, where did you go?

8 A. My car was close to Police Headquarters, so I
9 wanted to continue observing because I knew that
10 protestors were out, so I got into my car at that
11 location and drove my car to around 9th --

12 Q. Okay.

13 A. -- a little -- a little south of Washington --

14 Q. Okay.

15 A. -- and just where I could find a parking spot.

16 Q. Okay.

17 A. And I knew they were in that general area.

18 Q. The protestors you mean?

19 A. I could hear them and see -- see them and,
20 yeah --

21 Q. Okay.

22 A. -- police everywhere. It was kind of a
23 chaotic scene, uh-huh.

24 Q. And there was how many protestors would you
25 say at this point?

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1 A. So, I parked my car, got out of my car and
2 heard what sounded to me like rubber bullets or teargas
3 canisters. There was a lot of noisy munitions type and
4 screaming.

5 Q. Uh-huh.

6 A. And I got out of my car and looked behind me
7 and there was police running after some -- some people.

8 Q. Uh-huh.

9 A. I don't know if they were protestors or not,
10 but they were running, so I jumped out of the way.

11 Q. Uh-huh.

12 A. And I -- that was in one spot. Then I
13 happened to see a couple of legal observers,
14 Nicole Warrington and Scott Kampas, for instance, pretty
15 close around that corner and, so, I joined up with them.

16 Q. Okay. You said Nicole Warner (sic) and
17 Scott Kampas?

18 A. That's right.

19 Q. Okay. And this is at the south of Washington,
20 9th and south of Washington location still?

21 A. This is south of Washington, right.

22 Q. Okay.

23 A. And -- And west of Broadway or -- yeah.

24 Q. Okay. Do you know what happened before you
25 got there to -- to see --

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1 A. I don't.

2 Q. -- the reaction that you saw?

3 A. I don't. I assume it was something big.

4 Q. Okay. Did Scott or Nicole tell you what
5 happened or what they had seen?

6 A. Not that I recall.

7 Q. Okay. So, after you meet up with them, where
8 did you go?

9 A. So, we were traveling west. We traveled west,
10 and probably for the next half hour I can only say that
11 we were on those -- in that general area on a lot of
12 different back streets and seeing standoffs between
13 different groups of police and different protestors.

14 Q. Okay. When you were down there at this time,
15 did you see any of the -- anyone committing property
16 damage?

17 A. I did not see that.

18 Q. Did you see anyone throwing water bottles at
19 police?

20 A. I did not.

21 Q. Did you see anyone break any big planters?

22 A. No.

23 Q. Did you see anyone break windows?

24 A. I didn't see that, but I know that planters
25 were broken because after the fact I happened to be

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1 walking down that street, and I don't remember the name
2 of that street, but -- and I saw the planters broken --

3 Q. Okay.

4 A. -- but that was --

5 Q. So, you knew that there was property damage
6 done, but you didn't know --

7 A. I saw it. That's right --

8 Q. Yeah.

9 A. -- I saw it, uh-huh.

10 Q. You saw property damage, but you didn't see
11 who did the property --

12 A. No.

13 Q. -- damage or --

14 A. No.

15 Q. After that, where did you go?

16 A. Yeah. So, yeah, so, we were on those back
17 streets just observing here and there different
18 standoffs.

19 Q. Uh-huh.

20 A. There was multiple things going on at the same
21 time.

22 Q. Uh-huh.

23 A. And there was a line of police, I think it was
24 Locust, across Locust --

25 Q. Uh-huh.

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1 A. -- in kind of a standoff with two or three
2 people --

3 Q. And at these --

4 A. -- right there?

5 Q. -- standoffs, what -- what are you observing
6 when you say that or what do you mean when you say that?

7 A. People are there, they're chanting and so
8 forth, you know, they're -- they're protesting --

9 Q. Uh-huh.

10 A. -- and police are preventing them from going
11 in a certain direction.

12 Q. Uh-huh. Do the protestors act like they want
13 to go in a certain direction or are they both just kind
14 of --

15 A. Yeah, not necessarily --

16 Q. -- standing there yelling at each other?

17 A. Yeah, not necessarily. I can't say that I
18 observed that someone -- in those little instances that
19 someone was trying to go in a direction.

20 Q. Uh-huh.

21 A. When we are -- were on one of those streets,
22 it wasn't Washington, but it was a major street south --
23 south of it, there was a well-known livestreamer,
24 Derk Brown --

25 Q. Uh-huh.

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1 A. -- who was in cuffs in the middle of the
2 street, and we LOs and -- were following several
3 protestors that went to that location and we were pushed
4 by police to the west --

5 Q. And by --

6 A. -- away from, so we weren't -- we -- I wanted
7 to observe --

8 Q. Uh-huh.

9 A. -- the arrest of Derk Brown and I was --

10 Q. Uh-huh.

11 A. -- we were prevented from doing that.

12 Q. Okay. And when you say "pushed," do you mean
13 that you were physically --

14 A. No.

15 Q. -- you were taken by the shoulders and pushed?

16 A. No.

17 Q. Do you mean that you were told to -- to --

18 A. That's right. We were --

19 Q. -- stand back?

20 A. That's right. We were -- We were on the
21 sidewalk and a police line formed and gave "move back"
22 directives and we complied by moving west on that street.

23 Q. All right. And do you remember which street
24 that was?

25 A. I don't. It was --

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1 Q. Okay.

2 A. -- kind of a major street and, so, I'm...

3 Q. You don't remember as you sit --

4 A. I don't.

5 Q. -- here?

6 A. I don't.

7 Q. Okay. After that incident, what happened?

8 A. But -- But I do remember feeling perturbed
9 that I wasn't able to fulfill my right to be present and
10 observe.

11 Q. Uh-huh. You said that Derk Brown, he was
12 arrested, and then after that, what -- what happened?

13 A. So --

14 Q. Where did you-all go?

15 A. Yeah, so, we moved -- we moved west in
16 compliance with that order --

17 Q. Uh-huh.

18 A. -- and went as far as Tucker.

19 Q. Uh-huh.

20 A. And I believe we just kind of went back and
21 forth on Tucker following different protest groups.

22 Q. Uh-huh, okay. When you're following or legal
23 observing, do you participate in chants with the
24 protestors?

25 A. No.

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1 Q. Okay.

2 A. We're there as neutral observers.

3 Q. And, so, at this point, you said that you're
4 at Tucker and would it be Washington?

5 A. Just south of that I would say.

6 Q. Okay.

7 A. More like Locust. Kind of -- Well, kind of
8 like --

9 Q. Okay.

10 A. -- back and forth between Washington and
11 Locust I would say --

12 Q. Okay.

13 A. -- on both sides of Tucker.

14 Q. Okay. And at what -- at what time is it at
15 that point?

16 A. Between 8:00 and 9:00 that we're kind of back
17 and forth in that location --

18 Q. Okay.

19 A. -- uh-huh.

20 Q. And how long did you go back and forth in that
21 location?

22 A. Maybe an hour.

23 Q. Okay. So, that would put us at nine or ten
24 o'clock?

25 A. That's right.

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1 Q. Okay. Did you see any teargas or mace, pepper
2 spray deployed?

3 A. Up until that point, only what I really didn't
4 observe, but smelled in the air when I parked my car.

5 Q. Okay. So, at around nine or ten o'clock,
6 after you had gone back and forth just south of
7 Washington and Tucker, what did you do?

8 A. So, you're asking to me it's the same
9 question. So, I was in that location for about an
10 hour --

11 Q. Okay. Then what happened?

12 A. -- between 9:00 and 10:00.

13 Q. Then -- Then after that, what happened; where
14 did you go?

15 A. So, I'm trying to remember specifically.
16 Like, it seems like a line of police showed up briefly
17 for -- across Tucker and there was a police van giving a
18 dispersal order --

19 Q. Uh-huh.

20 A. -- maybe about ten o'clock.

21 Q. Okay.

22 A. And --

23 Q. And did you disperse at that point?

24 A. I did move to -- I think that they were saying
25 move west --

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1 Q. Okay.

2 A. -- and I did move west --

3 Q. Okay.

4 A. -- yeah.

5 Q. So, you were given a specific location to move
6 to at that point?

7 A. West.

8 Q. You were told -- You were told --

9 A. Move --

10 Q. -- to move west?

11 A. That's right.

12 Q. Okay.

13 A. That's what I recall -- recall.

14 Q. Okay. And, so, in fact, you did move west?

15 A. That's right.

16 Q. And then what happened?

17 A. So, then I was west and then also more or less
18 in the area then of Washington and Tucker --

19 Q. Okay.

20 A. -- on the sidewalk of the Washington south
21 side sidewalk, yeah.

22 Q. Okay. And was Washington and Tucker, was
23 that -- was that road closed at that time or was it still
24 open?

25 A. So, I would say between 10:00 and 11:00, there

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1 formed a police line -- Well, I should say there was -- I
2 believe there was already a police line formed across
3 Tucker --

4 Q. Okay.

5 A. -- just north of Washington and it was kind of
6 sidewalk to sidewalk, but there was some fluidity to it.

7 Q. Uh-huh.

8 A. So, I want to say that that was the first line
9 at that intersection that I saw around eleven o'clock.
10 Ten or -- Ten or eleven o'clock.

11 Q. Okay.

12 A. So, what was new at 11:00, though, was another
13 line starting to form and come forward. Like they were
14 maybe a block away, but I noticed that they were sidewalk
15 to sidewalk. And an officer approached me and said, You
16 need to leave" -- "You should leave the area because
17 there's some people on the top of that building that are
18 going to throw fire down onto you."

19 Q. Who said that to you?

20 A. An officer.

21 Q. Okay. So, you were told to leave the area?

22 A. Well, I was told, "You" -- I was told -- It
23 wasn't a command to leave the area, so I'm sorry if I
24 gave you that impression. It was more like you may want
25 to leave --

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1 Q. Uh-huh.

2 A. -- because there's some people up there that
3 are going to throw fire down at you.

4 Q. Uh-huh.

5 A. It was a very unusual statement --

6 Q. Uh-huh.

7 A. -- so...

8 Q. Do you remember who it was that told you
9 that --

10 A. No.

11 Q. -- the officer's --

12 A. Just --

13 Q. -- name?

14 A. -- it was a white officer. That's about the
15 most detail I remember.

16 Q. Uh-huh. And this is after the dispersal --
17 dispersal order is given at 10:00?

18 A. That ten o'clock one --

19 Q. Yeah.

20 A. -- was, yeah, the last one I heard, so --

21 Q. Okay.

22 A. -- yeah, it was this was closer to 11:00.

23 Q. Okay. So, that --

24 A. And that was said to me and --

25 Q. So, that would have been after that, right?

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1 A. That's right.

2 Q. Okay. After you see the line forming across
3 Tucker and then you said the line was forming across
4 another location.

5 A. Right.

6 Q. I just didn't get that.

7 A. Right. So, I believe that the second line
8 that I noticed --

9 Q. Uh-huh.

10 A. -- being formed was about a block south of us
11 across Tucker.

12 Q. Okay. What happened after that? This would
13 have been at about --

14 A. So, they --

15 Q. -- after 11:00 p.m.?

16 A. That -- That line --

17 Q. Uh-huh.

18 A. -- started to march towards the intersection.

19 Q. And when they marched towards the
20 intersection, did they say, "Get back"? Did they -- Were
21 they chanting anything, giving any orders?

22 A. No, it was kind of eery. It was just batons
23 whacking the ground --

24 Q. Okay.

25 A. -- is what I remember.

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1 Q. Okay. And then after you saw them -- I guess
2 they were coming towards you then, that line?

3 A. That's right.

4 Q. Okay. And then what else did you see after
5 that?

6 A. So, around that same time, I noticed that a
7 line of police was forming a block or so west of us
8 across Washington.

9 Q. Okay.

10 A. Also their batons whacking. It was so loud at
11 that point, too, even a block away, that there were no --
12 there were no orders given but that I could hear and I
13 don't know how I would have heard it.

14 Q. You don't remember them saying, "Get back"?

15 A. No, I don't remember --

16 Q. Okay.

17 A. -- at that point, yeah, uh-huh.

18 Q. Okay. So, then you saw a third line form --

19 A. Right.

20 Q. -- sometime after 11:00 p.m.?

21 A. That's right.

22 Q. Okay. And then what happened? How were the
23 protestors -- Are there still about 50 to a hundred
24 protestors at this point?

25 A. That's right.

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1 Q. Okay. And what was the interaction or
2 response to these lines being formed by --

3 A. They --

4 Q. -- the protestors?

5 A. They looked concerned --

6 Q. Uh-huh.

7 A. -- and moving around kind of quickly in
8 different directions towards those lines.

9 Q. Uh-huh.

10 A. And I remember a couple of protestors coming
11 up to me and saying, "They want us to leave, but we can't
12 leave" --

13 Q. Uh-huh.

14 A. -- "the sidewalks are blocked."

15 Q. Uh-huh.

16 A. So, I recall that.

17 Q. Okay. Do you remember anything else that the
18 protestors were doing?

19 A. Just looking concerned and --

20 Q. Uh-huh.

21 A. -- and moving around and --

22 Q. Uh-huh.

23 A. Right. I saw, who I assumed to be a resident,
24 a woman, kind of youngish, well, younger than me woman,
25 trying to -- seeing that line move, the one that we're

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1 talking about most recently on the west side, trying to
2 open the door of her apartment and get inside to the
3 lobby --

4 Q. Uh-huh.

5 A. -- and I guess this was pretty -- a point when
6 that riot line was pretty close and a police officer
7 grabbed her and pulled her out of her doorway. And the
8 reason I know a little bit of detail about that person is
9 I was in jail with that person and --

10 Q. Okay.

11 A. -- I --

12 Q. Do you remember -- Do you remember her name?

13 A. No, I never knew her name.

14 Q. Okay, okay. So, at around eleven o'clock, you
15 see a third line form and then what happened?

16 A. Then I noticed, I believe it was the last line
17 formed, was bicycle police --

18 Q. Uh-huh.

19 A. -- on the east side.

20 Q. Are you there with any other legal
21 protestors (sic) at that time?

22 A. You mean legal observers?

23 Q. Legal observers, I'm sorry.

24 A. Yeah. Yeah.

25 Q. Okay. Who was there?

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1 A. Scott Kampas, Nicole Warrington, and me.

2 Q. Okay. Scott, Nicole, and you?

3 A. Yeah.

4 Q. Okay. And was that pretty much the entire day
5 on the 17th, were there the three of you that day?

6 A. It was a long day, so if you -- if we're
7 talking about the SLU event --

8 Q. Uh-huh.

9 A. -- I would have to think carefully about
10 everybody that was there. It was a pretty large march --

11 Q. Uh-huh.

12 A. -- so there was probably more than -- than us
13 there --

14 Q. Okay.

15 A. -- yeah, but --

16 Q. Okay.

17 A. -- can't recall at this time exactly who was
18 with me all day.

19 Q. Okay.

20 A. Yeah.

21 Q. So, during the line formation incident,
22 though, it was Scott, Nicole, and you?

23 A. That's right.

24 Q. Okay. And then after that last line was
25 formed, did you hear -- what did you hear from police, if

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1 anything? Did you hear any orders or commands given?

2 A. I heard some, "Move back."

3 Q. Okay.

4 A. I believe it was people who were trying to
5 approach the line and maybe look for a way out --

6 Q. Uh-huh.

7 A. -- and they were being told to move back,
8 meaning move back into the intersection.

9 Q. Uh-huh. Do you remember --

10 A. And I heard a command -- Not a command. I'm
11 sorry. I heard two police officers on -- in a particular
12 location say, "Who's streets?" which was a little
13 strange. I saw -- I saw and heard, I was in close radius
14 to two police officers who shouted, "Who's streets?" And
15 that was two officers that were on the Tucker line, the
16 North Tucker line on the west side.

17 Q. Do you know the names of these officers?

18 A. No. There -- There were not a lot of name
19 badges present -- present that night.

20 Q. Okay. And then what happened? After the last
21 line was formed about eleven o'clock, are we still at
22 about eleven o'clock?

23 A. Yes.

24 Q. Okay.

25 A. Maybe a little after.

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1 Q. Okay.

2 A. So that the four -- Well, the police -- the
3 bicycle police line didn't move --

4 Q. Uh-huh.

5 A. -- and neither was the Tucker on the north
6 side line moving. They were stationary. And the other
7 two lines were marching closer and closer with batons
8 striking.

9 Q. Okay.

10 A. And all three lines batons were striking.

11 Q. Okay.

12 A. It was very loud.

13 Q. Okay. What happened after that?

14 A. So, at some point, we were in ma- -- in a
15 close box, you know --

16 Q. Uh-huh.

17 A. -- that the intersection basically we call the
18 box, and we were ordered to the ground.

19 Q. Uh-huh. Did you get on the ground?

20 A. Yes --

21 Q. Okay.

22 A. -- immediately.

23 Q. And then what happened after you were ordered
24 to the ground?

25 A. So, I was ordered to turn off my phone. My

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1 phone was -- was laying on my stomach.

2 Q. Uh-huh.

3 A. And that was --

4 Q. When you were on the ground?

5 A. That's right. I was on the ground on my back.

6 And that seemed to be it was like threat of violence is

7 what. You know, "Turn off that phone." Was a very --

8 Q. Uh-huh.

9 A. -- angry command.

10 Q. Uh-huh.

11 A. So --

12 Q. Did they say turn --

13 A. And --

14 Q. -- off your phone --

15 A. And as a --

16 Q. -- or we'll --

17 A. And as a legal observer, I would probably, if

18 I wasn't told to turn off my phone, I would have

19 preferred to have it on. I'm there to observe, right?

20 Q. Uh-huh.

21 A. So, there was an angry command to turn off
22 that phone.

23 Q. Uh-huh. And did --

24 A. So --

25 Q. -- you comply with that?

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1 A. Yes.

2 Q. Okay.

3 A. As soon as I was told to, I did.

4 Q. And then after you turned off your phone, what
5 happened?

6 A. Pretty shortly after, I felt pepper spray
7 dripping over my skin and I could see an officer with a
8 spray can. The officer that I saw with a can was -- had
9 been behind me. I could see people behind me on the
10 ground. And he was coming around and people were
11 screaming and as he was spraying. And I know he was
12 spraying 'cause some of it was hitting me --

13 Q. Uh-huh.

14 A. -- and it dripped onto me and then he was
15 moving to the right and I could hear more screaming --

16 Q. Uh-huh.

17 A. -- as people were on the ground.

18 Q. Okay. But could you see -- could you see the
19 situations under which they were being spray- -- I guess,
20 so, you're on your back --

21 A. Right.

22 Q. -- looking up?

23 A. Well, I was -- I could look to my left and my
24 right and I was doing that (demonstrating).

25 Q. Okay.

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1 A. And I could see people complying with the
2 order to lay on the ground.

3 Q. Okay.

4 A. Yeah.

5 Q. And do you know the names of the people that
6 were pepper-sprayed?

7 A. I -- I mean, I know Scott Kampas was one of
8 them.

9 Q. Okay.

10 A. And I could see him sprayed. He was very
11 close to me.

12 Q. Okay.

13 A. Uh-huh. And I could tell you other people
14 that I saw in jail that I know were sprayed.

15 Q. Okay. What --

16 A. Tony, Tony Rice, who I know, he -- I happened
17 to be sitting next to him before we were put in a van and
18 he was very bad. I felt like he should have been put in
19 an ambulance, he was...

20 Q. Okay. As far as --

21 A. But --

22 Q. -- when you're there --

23 A. Right, with -- on -- with my back on the
24 ground?

25 Q. Yes. That Scott Kampas is the only one that

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1 you observed get --

2 A. No.

3 Q. Okay.

4 A. No, I saw that officer continue around to my
5 right and spray people that were -- and I could see them
6 lying there --

7 Q. Uh-huh.

8 A. -- and being sprayed and I heard them
9 screaming.

10 Q. Uh-huh.

11 A. So, probably two or three more people that I
12 could see with my own eyes --

13 Q. Okay.

14 A. -- and I heard more screaming than that,
15 but...

16 Q. Okay. And then what happened after you're on
17 your back, turned off your phone, you see some people
18 getting --

19 A. Right. So, then --

20 Q. -- sprayed?

21 A. So, then ordered to roll over onto my stomach,
22 which I did.

23 Q. Okay.

24 A. And then I was cuffed.

25 Q. Okay.

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1 A. Uh-huh. And then a police officer approached
2 me and I have to say it was the -- in my whole lifetime,
3 it was the roughest way my body has ever been handled --

4 Q. Uh-huh.

5 A. -- so this police officer grabbed me by the
6 back. Didn't say stand up. Just grabbed me by the back
7 and stood me up and was kind of giving me commands to
8 move through the crowd, but by the time I heard the
9 command, he was already lifting me. I was at least one
10 foot off the -- off the ground and being shoved through a
11 crowd and then ordered to sit on the sidewalk.

12 Q. Okay. And did you sit on the sidewalk --

13 A. Yes.

14 Q. -- at that point?

15 A. Yes.

16 Q. And after you're on the sidewalk, are you in
17 cuffs at that point?

18 A. Yes.

19 Q. Okay. And then what happens?

20 A. So, as I said, there were a couple of
21 protestors to my right. I think I was on the extreme
22 left side of that line of people, but -- and one of them
23 was Tony Rice and he was in intense pain and I know that
24 from the sound of the breathing and just, "Ahhhh"
25 (phonetically), you know.

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1 Q. Uh-huh.

2 A. Not crying, but yeah.

3 Q. Uh-huh.

4 A. And --

5 Q. He was next to you on the sidewalk?

6 A. He was about two people down.

7 Q. Okay.

8 A. Right.

9 Q. Okay.

10 A. And, so, I had a little bit of exposure,
11 but --

12 Q. Uh-huh.

13 A. -- other people along that line were heavily
14 exposed and were coughing --

15 Q. Uh-huh.

16 A. -- and -- and in distress.

17 Q. Okay.

18 A. Uh-huh.

19 Q. How long were you on the sidewalk before -- I
20 assume you were taken in a van --

21 A. Right.

22 Q. -- to jail?

23 A. Or a bus.

24 Q. Okay.

25 A. Yeah. Twenty minutes or half hour.

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1 Q. Okay.

2 A. Uh-huh.

3 Q. And then you were transported to the Criminal
4 Justice Center?

5 A. That's right.

6 Q. Okay. And then when you're at the Criminal
7 Justice Center, they -- what did they do with you there?

8 A. Processing and --

9 Q. Okay.

10 A. -- at least one or two different cells,
11 uh-huh.

12 Q. Okay. How long were you at the Criminal
13 Justice Center?

14 A. I think I was released I want to say it was
15 under 24 hours.

16 Q. Okay.

17 A. Just under that, uh-huh.

18 Q. Were your other legal observer, Nicole and
19 Scott, were they also arrested?

20 A. That's right.

21 Q. Okay.

22 A. Uh-huh.

23 Q. And did you see them at the Criminal Justice
24 Center?

25 A. I don't remember seeing Scott. Nicole, yes.

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1 Q. Okay. Okay.

2 A. Uh-huh. I remember seeing Scott afterward
3 when I was released and then -- I was released before him
4 and he was released after and he was bruised up and
5 smelled heavily of the --

6 Q. You're talking about --

7 A. -- chemical spray.

8 Q. -- Scott Kampas?

9 A. Yes.

10 Q. Okay.

11 A. Yeah.

12 Q. Okay. Your testimony is that you were not
13 directly maced the weekend of September 15, right; that
14 you were exposed to it?

15 A. So, at Tucker and Clark, I -- spray was in my
16 direction. It just wasn't directly in my eyes --

17 Q. Right.

18 A. -- but I would say I was sprayed.

19 Q. Okay.

20 A. Uh-huh.

21 Q. Okay. That was at Tucker and Clark on the
22 15th?

23 A. That's right.

24 Q. Okay. And then, again, you mentioned on the
25 17th?

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1 A. When I was on the ground, I was --

2 Q. Right.

3 A. Yeah.

4 Q. Okay. Are those the only two times that you
5 were exposed to teargas, mace, or pepper spray during the
6 weekend of September 15?

7 A. Oh, no, remember we were talking about the
8 evening in the Cen- -- near Lyda's house --

9 Q. Okay.

10 A. -- teargas, yeah.

11 Q. Okay. So, at Tucker and Clark, at Tucker and
12 Washington --

13 A. And the Central West End, Maryland and Euclid,
14 remember?

15 Q. Right. And is that the mayor's house
16 incident?

17 A. No.

18 Q. Okay.

19 A. That was when the officer was -- who was
20 overcome by the same gas that I was exposed to, but he
21 may have been closer to it, I guess, but I was exposed to
22 that gas --

23 Q. Okay.

24 A. -- that was deployed south of me on Euclid.

25 Q. And by "exposed to," what do you mean by that?

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1 A. It was -- It was strong. It hurt my eyes and
2 made me cough.

3 Q. Okay. Any kind of medical treatment that you
4 sought because of that?

5 A. I did -- I mean, my nose was hurting, you
6 know, for -- it's -- it's a very unpleasant experience,
7 you know --

8 Q. Uh-huh.

9 A. -- all of those, I might be down playing a
10 little bit, but especially that exposure on Maryland --
11 I'm sorry -- on Waterman.

12 Q. Uh-huh.

13 A. That was very, very painful.

14 Q. Okay.

15 A. And, so, I did go to my doctor within a day or
16 two complaining of some pain in my, like, sinuses.

17 Q. Uh-huh.

18 A. I didn't know if there was any treatment.

19 Q. And who is your doctor that you saw for that?

20 A. So, they change so often. Chung? She's --
21 She was my primary care at that time.

22 Q. Okay. Chung, C-h-u-n-g?

23 A. I think so.

24 Q. Okay. Do you remember her first name?

25 A. She's re- -- She didn't retire. She stopped.

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1 I only had her for about a year because she went on a
2 maternity leave and then she -- is no longer practicing
3 right now, so.

4 Q. Okay.

5 A. So, what was your question?

6 Q. When did you visit her?

7 A. It was in -- within a day or two of that.

8 Q. Okay.

9 A. Guessing.

10 Q. Do you remember her first name, Dr. Chung's
11 first name?

12 A. I would have to look it up.

13 Q. Okay.

14 A. Yeah.

15 Q. And is she with Barnes or --

16 A. No.

17 Q. -- who is she affiliated with?

18 A. Kind of -- Mercy, I guess you would say.

19 Q. Okay. Other than visiting Dr. Chung, is there
20 any other medical treatment that you sought because of
21 your exposure?

22 A. No.

23 Q. What did Dr. Chung tell you about your
24 complaints of pain in your sinuses?

25 A. There wasn't really any treatment that I

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1 recall her saying I could -- I could do.

2 Q. Uh-huh.

3 A. Right.

4 Q. Did she give you any --

5 A. She didn't really say too much about it.

6 Q. Okay.

7 A. "I'm sorry that happened to you," I think is
8 what she said.

9 Q. Okay. But there was no diagnosis or did she
10 give you any me- --

11 A. I don't think there was any medicine, yeah.

12 Q. Okay. No medicine or diagnosis?

13 A. No.

14 Q. I know I've asked you this before, but I just
15 want to make sure that it's clear for the record. So --

16 A. Uh-huh.

17 Q. -- for the weekend of September 15, did you
18 observe any violence towards police officers?

19 A. So, that -- that seemed violent to me that
20 that police officer, he was really -- even we were
21 concerned about the one that was exposed to the
22 teargas --

23 Q. Uh-huh.

24 A. -- and left in an ambulance --

25 Q. Uh-huh.

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1 A. -- so that was a violent occurrence.

2 Q. Uh-huh.

3 A. So, I know that -- Yeah, no. No.

4 Q. Did you see any water bottles being thrown at
5 the police?

6 A. I did not.

7 Q. Okay. Did you see any rocks being thrown?

8 A. No.

9 Q. Any broken concrete being thrown at police?

10 A. No.

11 Q. What about on September 29 of 2017?

12 A. Oh, boy.

13 Q. That would have been the -- the Busch Stadium
14 incident, Busch Stadium protest. Were you there --

15 A. I don't --

16 Q. -- for that?

17 A. -- even know if I was there. I would have --

18 Q. Okay.

19 A. -- to think. Can you describe anything about
20 it and then I would know if I was there or not?

21 Q. No, it's just --

22 A. Oh.

23 Q. -- there were Bu- -- there were protests right
24 outside of Busch Stadium in regards to the Stockley
25 verdict. Do you remember if you were there or not for

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1 that?

2 A. I've been to Busch Stadium to observe protests
3 many times, but I -- I don't know if I was at that one.

4 Q. Okay.

5 A. Yeah.

6 Q. Did you hear people making violent threats
7 towards police officers the weekend of September 15?

8 A. No.

9 Q. Did you hear any threatening of sexual assault
10 to the family members of police officers on that weekend?

11 A. No, I did not.

12 Q. Did you witness -- You talked about that there
13 were some windows broken?

14 A. Uh-huh.

15 Q. Okay. Did you directly witness any of that or
16 I remember you just saying something about hearing the
17 noises of it?

18 A. Right.

19 Q. Okay. Did you witness any protestors or
20 demonstrators breaking any planters?

21 A. I did not observe that. I walked by at a
22 later point and saw, uh-huh.

23 Q. Did you witness any other property damage by
24 protestors or demonstrators?

25 A. No.

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1 Q. Okay. In your opinion, would these be things
2 in line with what you would consider to be protesting?

3 A. So, "protesting" meaning chanting, taking
4 space on sidewalks and streets?

5 Q. My question --

6 A. Is that --

7 Q. -- is -- My question is whether you would
8 consider throwing water bottles, breaking planters,
9 breaking windows --

10 A. I would not consider --

11 Q. -- concrete --

12 A. -- that protesting, right.

13 Q. And why not?

14 A. Well, those are criminal acts. I don't see --
15 I've never seen, you know, protestor engaging in a
16 criminal act like that.

17 Q. Would you agree that the freedom to protest
18 and assembly has its limits?

19 A. So, the laws are to allow non-criminal protest
20 activity, chanting, signs.

21 Q. Are there any limitations on those rights --

22 A. So, I guess I don't --

23 Q. -- as far as you understand?

24 A. Any limitations you mean that -- that
25 protest -- a protest assembly can start to behave in a

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1 criminal way, is that what you're asking me, if that's
2 allowed to act in a criminal way?

3 Q. Yeah, I guess I'm asking --

4 A. So --

5 Q. -- if --

6 A. -- of course --

7 Q. -- you see --

8 A. -- not to act --

9 Q. -- any limitations that could be imposed to
10 protesting or freedom of expression or assembly.

11 A. So, when -- you know, if pro- -- if a protest
12 assembly starts to behave in a criminal way, then
13 they're -- that's the limitation is what I understand.

14 Q. Okay.

15 A. Uh-huh.

16 Q. Do you believe that the First Amendment allows
17 someone to commit acts of violence against the police?

18 A. No.

19 Q. Do you think that a person's right to protest
20 or the right to assembly absolves them from obeying laws?

21 A. No.

22 Q. Okay. Do you believe that you, as a legal
23 observer, are absolved from obeying laws?

24 A. No.

25 Q. Do you think that protesting or assembling

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1 absolves you from impeding the flow of traffic?

2 A. No. I know that there's a law to not block
3 traffic.

4 Q. Okay. Do you believe that protesting or
5 assembling absolves you from dispersing when told?

6 A. Yes.

7 Q. And how so?

8 A. So, you're -- Oh, I'm sorry. Did you say
9 absolved from --

10 Q. Yeah.

11 A. -- dispersing? Oh, I'm sorry. I --

12 Q. Do you think a person doesn't have to?

13 A. Oh, no, no. I thought you said do -- do --
14 should protestors disperse, and the answer is yes, they
15 should --

16 Q. Okay.

17 A. -- uh-huh.

18 Q. And do you believe that these things apply to
19 you as a legal observer, as well?

20 A. Yes.

21 Q. Okay. Do you believe that you were a part of
22 an assembly on September 15, 2017, and September 17 of
23 2017?

24 A. So, the question is do I believe I was part of
25 an assembly?

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1 Q. Yes.

2 A. "Part of" is the question in my mind. You
3 mean a part of a demon- -- was I behaving in the part of
4 a demonstration; is that your question?

5 Q. Well, I guess, were you -- were you in a
6 location with multiple people who were protesting?

7 A. I observed protests, yes --

8 Q. Okay.

9 A. -- and was in those locations.

10 Q. And you were amongst the protestors; correct?

11 A. Well, if -- if you're amongst them, you're not
12 able to observe police, so that's why we usually position
13 our bodies away from protests (sic) --

14 Q. Okay.

15 A. -- and closer, much closer to police. I'd
16 rather be, if the police are here (pointing) and the
17 protestors are here (pointing), I'm here (pointing).

18 Q. Uh-huh.

19 A. Not there (pointing).

20 Q. How close would you typically say that you are
21 to the protestors?

22 A. To the protestors?

23 Q. Uh-huh.

24 A. It depends on how close they are to the
25 police. So, if -- So, I'm literally as close to the

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1 police as I can get so that I can see badge numbers and
2 so forth and watch, listen to orders --

3 Q. Uh-huh.

4 A. -- but, you know. So, if protestors are five
5 feet from the police, then that's probably around the
6 same distance that I am. I'm with them at that point.

7 Q. Okay. When you are amongst the protestors or
8 observing the protestors --

9 A. Well, I don't observe protestors, but...

10 Q. Or you don't observe protestors?

11 A. I observe interactions. I -- I observe police
12 interactions with protestors --

13 Q. Right.

14 A. -- so...

15 Q. And part of that is observing protestors, as
16 well, would you say?

17 A. Not selectively, no. If protestors are --
18 Like I said, we're focused on police, so a lot of times
19 there is some close interaction and then I'm seeing the
20 protestors, but there's not a selective point or role for
21 me to be observing protestors (demonstrating).

22 Q. Okay. Well, when you are observing police and
23 protestors and interactions with the two --

24 A. Uh-huh.

25 Q. -- if an unlawful assembly is declared --

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1 A. Uh-huh.

2 Q. -- do you think that that pertains to you?

3 A. Yes.

4 Q. Okay. And, so, if an unlawful assembly is
5 declared and it pertains to you --

6 A. Uh-huh.

7 Q. -- what do you understand to be your
8 obligation then?

9 A. I would -- I would move. That's -- That's
10 what I do is I -- I move away.

11 Q. Okay. Was an unlawful assembly declared on
12 the weekend of September 15, September -- yeah -- of
13 2017?

14 A. I did hear dispersal orders to move west, for
15 example --

16 Q. And that was at what point --

17 A. -- was one of them, and -- and also in the
18 Central West End to move west.

19 Q. Okay.

20 A. Uh-huh.

21 Q. Okay. And whose right is it to declare an
22 unlawful assembly to your knowledge?

23 A. I believe it's the police chief's, you know,
24 the people in -- the police who are in charge --

25 Q. Okay.

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1 A. -- which are the ones.

2 Q. To your knowledge, what does the word
3 "disperse" mean?

4 A. So, let's say if there were a group of
5 protestors blocking an entrance to a building or
6 something and the police might come in and say -- give a
7 dispersal order --

8 Q. Uh-huh.

9 A. -- then they would move from -- I'm assuming
10 they would move and the right thing to do would be to
11 remove from the entryway.

12 Q. And would you expect them to move as a group
13 or to move in different directions individually?

14 A. I mean, my -- I don't know if I have an
15 expectation of what protestors should do. I mean, they
16 should listen to the police orders.

17 Q. Okay. What does "leave the area" mean to you?

18 A. So, in my example, they would leave. They
19 would leave the entryway to that building.

20 Q. During the weekend of September 15, 2017, did
21 you walk in the street?

22 A. I -- We try very hard to stay on the sidewalk
23 as much as we can. That's why I usually take pictures
24 when there's a sign that says sidewalk closed or
25 something --

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1 Q. Uh-huh.

2 A. -- and then I'm in the street if I have to be.

3 Q. But were you in the street at some point the
4 weekend of September 15, 2017?

5 A. Yes. Yeah. Observing. When I'm obser- --
6 When there's a police line --

7 Q. Uh-huh.

8 A. -- across a street, then I go to that police
9 line --

10 Q. Uh-huh.

11 A. -- which is in the street.

12 Q. Okay. And when you were in the street, were
13 you blocking vehicular traffic by walking in the street?

14 A. So, at the times that I'm thinking that I was
15 in the street were that line across Clark 'cause --
16 'cause a line formed, so I moved from the sidewalk to the
17 street to observe closeup that line.

18 Q. Uh-huh.

19 A. There was no way traffic would be coming
20 because there's a police line there.

21 Q. Uh-huh.

22 A. And the same time that for a few moments that
23 I moved from the sidewalk -- well, I was pushed off the
24 sidewalk anyway where Ken was sprayed --

25 Q. Uh-huh.

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1 A. -- so we were pushed into the street by a
2 police line, so there was no vehicular traffic because of
3 that police line.

4 Q. Uh-huh. When you were at Delmar and Skinker
5 and there was the die-in --

6 A. Uh-huh.

7 Q. -- were you in the street at that point?

8 A. No.

9 Q. At no point --

10 A. 'Cause there was --

11 Q. -- were you in the street?

12 A. -- no -- No, no, no. Well, I was on the
13 sidewalk at that intersection and, again, I'm not, like,
14 focused on them, I'm focused on those police that are to
15 the north. So, on the sidewalk.

16 Q. Okay.

17 A. Yeah. And I was on the -- when they traveled
18 on Skinker south --

19 Q. Uh-huh.

20 A. -- I was on the sidewalk the whole time while
21 every -- all the protestors are in the street.

22 Q. Okay.

23 A. The only time I was not on a sidewalk was on
24 Forest Park because there was just a -- there was no
25 sidewalk on the side of the street that I ended up on.

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1 So, it was a grassy area. And then -- then there's no
2 grassy. Then there's just road, so --

3 Q. Uh-huh.

4 A. -- I was on the street for that small section.

5 Q. And what about at --

6 A. Because there was no sidewalk to be on, yeah.

7 Q. What about at Washington and Tucker, were you
8 in the street at that point?

9 A. Washington and Tucker? Okay, the kettle area?
10 I was on -- Anytime that I was in that intersection, I
11 was on the east side Tucker sidewalk or I crossed over
12 Tucker and I was on the west side Tucker parking lot or I
13 crossed over Washington and I was on the sidewalks of
14 Washington and then a little north of that sidewalk on --

15 Q. Uh-huh.

16 A. -- Tucker.

17 Q. Okay.

18 A. Until the lines moved in --

19 Q. Uh-huh.

20 A. -- and then I was on the street when the lines
21 moved in. I was pushed to the intersection.

22 Q. And, again, by "pushed," you mean that you
23 were told --

24 A. Yes.

25 Q. -- to move in that direction?

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1 A. Well, "Move back. Move back," (gesturing),
2 so...

3 Q. Okay. Do you know how the protests of the
4 weekend of September 15 were organized, if at all?

5 A. No, I wouldn't be involved or have any
6 knowledge of organization of protests.

7 Q. How did you know to go to Tucker and Clark on
8 September 15, 2017?

9 A. So, sometimes protest organizers will reach
10 out --

11 Q. Uh-huh.

12 A. -- to one of -- to people that they know who
13 are legal observers and say, you know, we're -- we're a
14 community group and we want -- we would like legal
15 observer presence at our protest and blah, blah, blah.

16 Q. And did that happen the weekend of
17 September 15?

18 A. I'm trying to think. Let me think about that.
19 So, that situation was such a large, you know, that was
20 the -- that was the verdict day, right?

21 Q. Uh-huh.

22 A. So, it -- I must have just seen on Facebook
23 and then -- to know and communicate, you know, we talked
24 to each other on the phone, other legal observers, so I
25 knew to go to that position.

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1 Q. Okay. And what about on September 16 at
2 Delmar and Skinker?

3 A. 'Cause I think you're -- if you're asking a
4 very specific thing like which organ- -- you know, which
5 organizer ca- -- called which person, I -- I can only
6 just say in general I know that our group has been
7 requested by a community group to show up at a certain
8 location.

9 Q. Did that happen --

10 A. So...

11 Q. -- on September 16?

12 A. Yes --

13 Q. And --

14 A. -- it would have happened, but I don't --

15 Q. Did --

16 A. -- recall.

17 Q. Did that community -- What community group
18 would have reached out to you?

19 A. Wow, I don't -- I don't know.

20 Q. Uh-huh. And do you remember if you were the
21 one that spoke to them or if another one of your legal
22 observers spoke --

23 A. I don't --

24 Q. -- to these --

25 A. -- remember.

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1 Q. -- community organizers?

2 A. I don't remember.

3 Q. What about on September the 17th, how did you
4 know that protests were taking place there -- then?

5 A. The 17th? So, we were -- someone in our group
6 must have been contacted -- and I honest to God don't
7 remember if it was me or not -- to show up at that three
8 o'clock march, so...

9 Q. And you don't remember who contacted you or
10 who --

11 A. No.

12 Q. -- told you about that?

13 A. I want to say that one was Expect US.

14 Q. Okay.

15 A. But I don't know the specific person that
16 would have, you know.

17 Q. Okay. Do you communicate with people from
18 Expect US at times?

19 A. They will -- They, like many other community
20 groups, will contact one of us about a protest, yes.

21 Q. And who from Expect US would be the person
22 contacting you?

23 A. I mean, Reverend gray was, yeah.

24 Q. Okay.

25 A. Uh-huh.

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1 Q. Is he pretty much it from Expect US?

2 A. I would -- Yeah, that I have heard from,
3 uh-huh.

4 Q. What other community groups have contacted you
5 to be a legal observer at protests?

6 A. So, not -- not me specifically, so -- and I
7 don't have names for you, but there's many different
8 community groups. There's LGBTQ community, there's the
9 Science March people, the Women's March people.

10 Q. Okay.

11 A. Immigration folks. It's pretty limitless.

12 Q. And how would they find out about you?

13 A. I don't -- I can't answer how they find out
14 about us. I don't know.

15 Q. Do you post anything online advertising your
16 legal observing services?

17 A. There is an NLG site.

18 Q. What does NLG stand for?

19 A. National Lawyers Guild.

20 Q. Okay. And is it your understanding that all
21 legal observers are listed there?

22 A. Oh, no, we're not listed.

23 Q. Okay. What is on the NLG site that would help
24 community organizers know about legal observers?

25 A. I would have to read it again to, you know...

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1 Just the existence of.

2 Q. Sure. During your time protesting (sic), do
3 you become --

4 A. You mean legal observing?

5 Q. -- legal observing --

6 A. Uh-huh.

7 Q. -- do you become familiar with individual
8 protestors?

9 A. Sure.

10 Q. What individual protestors did you observe
11 protesting the weekend of September 15, 2017?

12 A. Yeah, I think I've already -- that should be
13 in my Interrogatories, too.

14 Q. I have -- I have those here.

15 A. Yeah.

16 Q. I'm handing you --

17 MS. DUNCAN: We can mark these as Exhibit A.

18 (At this point, an off-the-record discussion
19 was had.)

20 (At this point, Defendants' Exhibit Lewczuk A
21 was marked for identification.)

22 (Questions by Ms. Duncan)

23 Q. Handing you what's been marked as Defendant's
24 Deposition Exhibit A. Do you recognize that document?

25 A. Yes.

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1 Q. And do you recognize that as the
2 Interrogatories you filled out --

3 A. Yes.

4 Q. -- in preparation for this case?

5 A. Yes.

6 Q. Okay. You said that you may have listed
7 certain protestors that you recognized --

8 A. Excuse me.

9 Q. -- the weekend of September 15 --

10 A. That's right.

11 Q. -- somewhere in there? Okay. Feel free to
12 look through that and then --

13 A. Find list?

14 Q. -- if you could direct me to where you think
15 that answer is.

16 (At this point, an off-the-record discussion
17 was had.)

18 A. So, those are not necessarily protestors. I
19 think some of them are legal observers. I think the --

20 Q. And you're --

21 A. -- question --

22 Q. -- referring --

23 A. -- is --

24 Q. You're referring to question 6?

25 A. Uh-huh.

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1 Q. Is that right?

2 A. Uh-huh.

3 Q. Okay.

4 THE WITNESS: Should I read since this is an
5 answer?

6 A. Okay. So, the question was who I saw a --
7 chemical agents deployed at?

8 Q. Other than those individuals listed, do you
9 remember seeing any other protestors that you know of
10 specifically there the weekend --

11 A. I --

12 Q. -- of September 15?

13 A. I don't. I mean, I --

14 Q. Okay.

15 A. -- there are a lot of faces that seem
16 familiar, but yeah.

17 Q. Okay. Thank you.

18 A. Uh-huh.

19 Q. And how do you know the names of these
20 individuals?

21 A. Well, some of them are legal observers that I
22 work with.

23 Q. And who are those --

24 A. Volunteer with.

25 Q. -- if you want to list those legal observers?

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1 A. Ken, Steven, Scott, Margaret, Alicia, Mark,
2 and Nicole.

3 Q. Okay.

4 A. And the rest of them are not legal
5 observers --

6 Q. Okay.

7 A. -- but that I observed --

8 Q. Okay.

9 A. -- chemicals deploy at.

10 Q. Okay. And the people that you didn't mention
11 then are specific protestors that you are familiar with;
12 is that fair?

13 A. Yes.

14 Q. Okay. And the protestors who are listed under
15 question Number 6, how do you know these people?

16 A. From pro- -- protests --

17 Q. Okay.

18 A. -- yeah.

19 Q. What has your interaction with them been?

20 A. Just communicating with them. I've gotten to
21 know them a bit over the years and --

22 Q. Uh-huh.

23 A. -- uh-huh.

24 Q. Do you interact with them outside of protests?

25 A. Yes, a bit.

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1 Q. And who would that be?

2 A. Keith.

3 Q. Keith Rose?

4 A. Yes.

5 Q. Okay.

6 A. Jon Ziegler, Emily Davis.

7 Q. Are you aware that these three individuals
8 have brought lawsuits against the City of St. Louis?

9 A. Let me look at the list again.

10 Q. Sure.

11 A. I -- I feel like I do know something about
12 Emily and a lawsuit, yes.

13 Q. Okay.

14 A. Keith, yes. Ziegler, I -- I don't know.

15 Q. Have you ever visited Mr. Ziegler's, I guess
16 it's his social media site, RebZ?

17 A. I have seen, I have watched his livestreams a
18 couple of times --

19 Q. Uh-huh.

20 A. -- over the years, but I didn't know that he
21 has a -- Did you say he has a website?

22 Q. I believe so --

23 A. I don't know --

24 Q. -- or a social media site.

25 A. -- about that. I've just kind of seen there's

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1 a livestream.

2 Q. Okay. Have you seen Keith Rose, Jon Ziegler,
3 or Emily Davis since the weekend of September 15, 2017?

4 A. Probably. Emily does Homeless Outreach and
5 I've done some of that, also.

6 Q. Okay.

7 A. Sorry I have to keep looking at this.

8 Q. That's fine.

9 A. So, you're asking if I've seen any of those
10 people since after the 17th-ish?

11 Q. Right.

12 A. Uh-huh. Yes. So, like I said, Emily with
13 Outreach. Keith, I mean, he's a legal observer
14 coordinator, as well, so I see him. And Nicole, I -- I
15 have seen her. Also an Outreach person, so there or --
16 and, well, she's -- I'm sorry. She's also a legal
17 observer, so I see --

18 Q. Who is, Nicole?

19 A. Yes.

20 Q. Yes.

21 A. So, I've seen her. Ziegler, no, I have not
22 seen him since this event --

23 Q. Okay.

24 A. -- yeah.

25 Q. And I'm sorry, I thought you said that

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1 Keith Rose was a protestor, not a legal observer?

2 A. So, on this weekend --

3 Q. Uh-huh.

4 A. -- to my knowledge, he -- to my knowledge on
5 the 17th, Keith was not legal observing.

6 Q. Okay. And other than seeing Emily at this
7 Homeless Outreach, have you seen her at any protests, any
8 other protests since September 15, 2017?

9 A. 'Cause remember I have really not been to many
10 myself. What was the one that we remembered I was at?

11 Q. The Roy Blunt incident?

12 MR. ROTHERT: The Roy Blunt.

13 A. Okay. Oh, yeah, I did. I think I saw her
14 there one night. I saw Keith there one night. Not
15 Ziegler.

16 Q. Okay. And Keith, was he there in his capacity
17 as a legal observer at the Roy Blunt incident or was he
18 there as a protestor?

19 A. No. I mean, I just saw him pop up and talk to
20 him a little bit and I -- I can't say whether he was
21 protesting.

22 Q. Okay.

23 A. Yeah.

24 MS. DUNCAN: Can we take a quick break?

25 (At this point, there was a break taken from

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1 11:49 a.m. to 11:56 a.m.)

2 (Questions by Ms. Duncan)

3 Q. So, we talked about some of the protestors
4 that you recognized on the weekend of September 17 --

5 A. Uh-huh.

6 Q. -- or the weekend of --

7 A. The weekend.

8 Q. -- September 15.

9 A. Right.

10 Q. Did you recognize any police officers?

11 A. Rossomanno.

12 Q. Okay.

13 A. I mean, I don't know that many police
14 officers, you know, by name.

15 Q. Right. Okay.

16 A. So, that particular weekend, Jemerson --

17 Q. Okay.

18 A. -- yes, and Rossomanno are two that I know
19 that I recall at this time seeing.

20 Q. And how do you know them?

21 A. From previous protests; Ferguson and the city.

22 Q. You said at Ferguson protests?

23 A. Well, so, I know they're -- they're city, but
24 just different protests around the county, city.

25 Q. Okay. And what has your interaction with them

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1 been?

2 A. So, you mean them specifically?

3 Q. Uh-huh.

4 A. So, nothing to -- nothing -- in terms of
5 Jemerson, nothing that I can recall that was super
6 adversarial or anything that I recall. With Rossomanno,
7 I feel like I've observed where he will call an unlawful
8 assembly and order people to disperse who may not
9 necessarily be doing a criminal activity, like even
10 blocking a street --

11 Q. Uh-huh.

12 A. -- or beyond that.

13 Q. And when have you experienced that with him?

14 A. So, that -- specific dates, that's going to be
15 too difficult for me to --

16 Q. Is it at --

17 A. -- yeah.

18 Q. -- general protests? Do you remember which --

19 A. Yes.

20 Q. -- protest it were -- it was?

21 A. Well, I can say at Clark and Tucker --

22 Q. Okay.

23 A. -- I saw him spraying people and, as you know,
24 I didn't hear a chemical munitions order --

25 Q. Uh-huh.

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1 A. -- warning given there --

2 Q. Uh-huh.

3 A. -- so that's one. Yeah, I -- it's...

4 Q. Anything prior to the protests of the weekend
5 of September 15?

6 A. Yes, there was on Washington Street, I believe
7 it was after that weekend, and there was a march headed
8 east on Washington, and as soon as they got to Tucker, he
9 was there and I believe giving a dispersal order.

10 Q. And were you there as a legal observer?

11 A. Yes.

12 Q. And this was when? You said that was after
13 the weekend of September 15?

14 A. I believe so.

15 Q. Okay.

16 A. Shortly after, maybe within a week.

17 Q. Okay. And you were out there as a legal
18 observer then or as a protestor?

19 A. Legal observer --

20 Q. Okay.

21 A. -- uh-huh. At -- I did not observe him at the
22 synagogue, but -- so I can't say. I've seen a video of
23 him at the synagogue.

24 Q. Okay. Were you -- You said you weren't
25 present at the synagogue --

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1 A. That's right.

2 Q. -- incident?

3 A. We were blocked from going there, uh-huh.

4 Q. Okay. Any other times that you've seen
5 Rossomanno declare an unlawful assembly when you felt
6 that it wasn't warranted?

7 A. I -- I can't recall, huh-uh.

8 Q. Did you participate or were you a legal
9 observer of the Highway 40 blockage incident?

10 A. I was a legal observer.

11 Q. Okay. And what did you observe about the
12 Highway 40 blockage incident?

13 A. So, I was at -- I think we're back at Clark
14 again, aren't we? I think I parked my car at Clark and
15 not Grand. Here's my St. Louis thing that I'm not.
16 Jefferson.

17 Q. Okay.

18 A. So, I parked my car close to that intersection
19 and I observed approximately 80 or so protestors exiting
20 the highway at that point and onto Jefferson headed
21 north.

22 Q. Okay. Did you see protestors attempt to block
23 the highway or did you only see them coming away from
24 that situation?

25 A. I only saw them coming away.

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1 Q. Okay.

2 A. Uh-huh.

3 Q. Do you know whether teargas, pepper spray, or
4 mace was utilized in that incident?

5 A. I -- Not that I can recall.

6 Q. Have you ever applied for a permit to protest?

7 A. Me personally?

8 Q. Uh-huh.

9 A. No.

10 Q. Do you know that you can do that?

11 A. In the city --

12 MR. ROTHERT: No, wait just a second. Let me
13 object --

14 MS. DUNCAN: Sure.

15 MR. ROTHERT: -- for lack of foundation. Go
16 ahead.

17 MS. DUNCAN: Sure.

18 THE WITNESS: Should I --

19 MR. ROTHERT: Go --

20 THE WITNESS: -- answer?

21 MR. ROTHERT: Yes, you can go --

22 THE WITNESS: Oh.

23 MR. ROTHERT: -- ahead and answer. I just had
24 to get an objection --

25 THE WITNESS: Or the best --

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1 MR. ROTHERT: -- on --

2 THE WITNESS: -- I can? Or yeah.

3 MR. ROTHERT: No, answer. No limitation. Go
4 ahead and answer.

5 THE WITNESS: Okay.

6 (Questions by Ms. Duncan)

7 Q. It's kind of weird. It's like it never
8 happened --

9 A. Okay.

10 Q. -- when it does. It's weird.

11 A. So, from my knowledge, the City does not give
12 permits for marches --

13 Q. Okay.

14 A. -- in the city.

15 Q. Okay. So, you don't think that that can be
16 done in the city to your knowledge?

17 A. To my -- To my knowledge.

18 Q. To your knowledge, okay. In any of the
19 protests that you've attended -- I know that you've said
20 as a legal -- So, on the weekend of September 15, you
21 were a legal observer. On this protest that happened
22 on -- east on Washington and Tucker within a week of that
23 weekend, you were a legal observer --

24 A. East --

25 Q. -- is that right?

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1 A. -- of Washington and Tucker?

2 Q. I believe you said they were moving east on
3 Washington towards Tucker.

4 A. Oh, that on the 17th?

5 Q. No.

6 A. What are you talking about now?

7 Q. This would have been the protest that happened
8 a weekend after --

9 A. Oh --

10 Q. -- that weekend.

11 A. -- sorry. Yeah. Yes, I was a legal
12 observing.

13 Q. You were a legal observer --

14 A. That's right.

15 Q. -- there, as well?

16 A. That's right.

17 Q. Have you ever been -- At what -- When did you
18 become a legal observer?

19 A. I was trained in January of '15.

20 Q. Okay. And before that, had you been a
21 protestor?

22 A. I went out a handful of times after
23 Mike Brown.

24 Q. Okay. And since becoming a legal observer in
25 January of 2015, have you attended any protests as a

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1 protestor?

2 A. It's possible one -- maybe one or two times in
3 all those years. It's possible.

4 Q. And do you remember when that would have been
5 or what causes they would have been?

6 A. The -- The community groups always need legal
7 observers, so that's when. So, at this time, I can't
8 recall --

9 Q. Okay.

10 A. -- what they were.

11 Q. On the weekend of September 15, 2017, do you
12 recall hearing that there was a free speech zone
13 designated for protestors?

14 A. And I'm sorry, which week -- which location?
15 Which?

16 Q. The -- Just the entire weekend. I guess
17 predominantly it would have been on Clark and Tucker,
18 the -- the day of the 15th.

19 A. Oh, by the mayor? You mean the mayor made an
20 announcement or something that, okay, there's a free
21 speech zone? I believe I might have heard that --

22 Q. Okay.

23 A. -- in that park there --

24 Q. Okay.

25 A. -- yeah.

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1 Q. And at what time did you hear that, something
2 about a free speech zone?

3 A. Maybe a day before or...

4 Q. So, then on September 14 you would have heard
5 that?

6 A. Possibly.

7 Q. Okay. And you said that you remember the
8 mayor saying something about that?

9 A. I think it was like a message from the mayor
10 or something, yes.

11 Q. Okay. And do you remember where you recall
12 hearing that?

13 A. TV or radio or something like that, uh-huh.

14 Q. Do you remember where the free speech zone was
15 located?

16 A. I believe the corner of Tucker and Market,
17 that park.

18 Q. Okay.

19 A. What's the name of that park?

20 Q. Okay. Do you remember any discussion of a
21 free speech zone the week from September 15 to the 17th?

22 A. Are you saying --

23 Q. Not from the mayor. Just do you remember
24 hearing that amongst protestors or police?

25 A. I don't recall hearing anything.

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1 Q. Okay. Do you know of any officer-involved
2 shootings since the Stockley verdict?

3 A. I have to -- Do you have a few minutes for me
4 to think about it? So, you're talking about any
5 officer-involved shooting in the last year and a half?

6 Q. Right.

7 A. And that I'm -- that I'm aware of?

8 Q. Yeah.

9 A. There was an officer-involved shooting maybe
10 Friday, a Russian roulette amongst police officers --

11 Q. Uh-huh.

12 A. -- so that was one police officer shooting
13 another maybe.

14 Q. Uh-huh.

15 A. So, I'm aware of that one just going back from
16 there. I -- I don't know if I'm going to be able to
17 remember at this --

18 Q. That's okay.

19 A. -- time.

20 Q. That's okay.

21 A. And I could be aware of something that I'm
22 forgetting.

23 Q. Sure. Do you remember being involved in any
24 protests as a legal observer because of any other
25 officer-involved shootings other than September 15?

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1 A. It -- It's possible.

2 Q. Okay. Did you participate in any of
3 the Ball-Bey protests --

4 A. No.

5 Q. -- as a legal observer?

6 A. No.

7 Q. Justice for Isaiah protests?

8 A. Yes. So, I arrived as a legal observer
9 probably within an hour after that shooting.

10 Q. And when would that have been? Do you
11 remember the --

12 A. You mean --

13 Q. -- the date?

14 A. -- the -- No, I don't remember the date.

15 Q. Okay.

16 A. It was summertime. I mean, it wasn't win- --
17 winter.

18 Q. Okay. And this would have been before or
19 after the Stockley verdict?

20 A. Before.

21 Q. At that protest, did you observe any mace,
22 pepper spray, or teargas deployed?

23 A. In front of Isaiah Hammett's house?

24 Q. Yeah.

25 A. No, not that I was aware of.

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1 Q. At the protest that you observed a week after
2 September the 15th, did you observe any teargas, pepper
3 spray, or mace being deployed?

4 A. Not that I recall, no.

5 Q. I want to ask you about your legal observer
6 duties, what that is.

7 A. Uh-huh.

8 Q. What is a legal observer; how would you define
9 it?

10 A. So, we are, as I said, contacted by community
11 groups who want to express their First Amendment right to
12 protest, usually in response to an event like a Muslim
13 ban --

14 Q. Uh-huh.

15 A. -- or a police shooting or Trump's -- Trump's
16 election --

17 Q. Uh-huh.

18 A. -- so forth or something, some piece of
19 legislation that's affected these community groups, so
20 we're contacted by them, they're having a protest. And
21 we arrive and we observe police and police/protestor
22 interactions, their orders that -- the orders that are
23 given, arrests made. We'll take detail down of
24 arrests --

25 Q. Okay.

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1 A. -- when, where, how, who.

2 Q. Okay. And you mentioned some training, that
3 you were trained in January of '15?

4 A. Uh-huh.

5 Q. Who conducted that training?

6 A. So, it was coordinators of the local chapter.

7 Q. Okay. And is that what -- what is the local
8 chapter called?

9 A. The National Lawyers Guild St. Louis Chapter.

10 Q. Do you remember the specific trainers by name?

11 A. I -- I know it was Scott and I believe there
12 was a second one.

13 Q. Scott Kampas?

14 A. Yes.

15 Q. Do you remember the other one you said?

16 A. It may have been Keith.

17 Q. Keith Rose?

18 A. Yes.

19 Q. How long was the training?

20 A. Two hours.

21 Q. Where was the training held?

22 A. That was in the Christ Church Cathedral next
23 to the library.

24 Q. And what were you taught at the training?

25 A. There's about 20 slides. Just very general

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1 information. Like the very general laws of freedom to
2 assemble and observation. You know, the purpose of us
3 being there is observing police and looking for badge
4 numbers, car numbers, and so forth. What not to do.

5 Q. Uh-huh.

6 A. You know, intervening in a protest or
7 giving -- we're instructed not to give legal advice
8 because we're not legal people.

9 Q. Okay. Do you know whether Scott or Keith Rose
10 are lawyers?

11 A. They're not.

12 Q. Okay.

13 A. Uh-huh.

14 Q. Do you know who trained them to be trainers?

15 A. No.

16 Q. And after completion, do you get a
17 certificate?

18 A. No.

19 Q. Do you get --

20 A. No.

21 Q. Okay.

22 A. No.

23 Q. It's just that you've done it?

24 A. Just a familiar -- a familiarity with freedom
25 to assemble and what to look for in the interactions.

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1 Q. Okay. And what is it that they train you to
2 look for?

3 A. Take note of when orders are given and what
4 those orders are as specifically as possible word for
5 word.

6 Q. Uh-huh.

7 A. And the locations of police and protestors at
8 that moment when an order is given. And what was the
9 rest of the question? I forgot.

10 Q. Sure.

11 A. Yeah.

12 Q. Just what -- what you're trained to look for.

13 A. Right. So, just the orders and the -- and the
14 scene, what's happening at the scene and if there were
15 arrests, uh-huh.

16 Q. After you complete this training, are you put
17 on some kind of mailing list or how -- how would people
18 know to contact you if they wanted you to be a legal
19 observer at their protest?

20 A. Just from -- I think legal observers have been
21 on the scene since Mike Brown and maybe even before
22 that --

23 Q. Uh-huh.

24 A. -- so they're known and I'm assuming a phone
25 number is exchanged.

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1 Q. Okay. When you are at protests, do you hand
2 out business cards?

3 A. No.

4 Q. Okay. As part of your training, are you
5 taught to call police fucking cowards?

6 A. Oh, gosh, no.

7 Q. Okay. As part of your training as a legal
8 observer, were you taught to tell protestors that police
9 are coming to kill them?

10 A. No.

11 Q. As part of your training as a legal observer,
12 are you told to stand a safe distance from the action for
13 your self-protection?

14 A. So, if there's an interaction, I often get as
15 close as three to four feet away from that interaction.
16 That's about as close as, unless I'm giving -- given an
17 order from a police officer to move back, then I -- then
18 I move back a couple of feet and --

19 Q. Uh-huh.

20 A. -- I get my orders from them and an idea of
21 how much distance to give.

22 Q. And is that something that you were trained to
23 do or is that just kind of your comfort level?

24 A. We're trained to get close enough to the
25 interaction to be able to observe it --

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1 Q. Okay.

2 A. -- in case there's any brutality.

3 Q. Okay. Are you taught or were you trained as a
4 legal observer to carry a face mask?

5 A. Yes.

6 Q. And were you carrying a face mask the weekend
7 of September 15?

8 A. Yes. And by "face mask," it can be just the
9 paper, you know.

10 Q. As a legal observer, are you taught that laws
11 do not pertain to you?

12 A. That's not correct, no.

13 Q. Okay. As part of your training, are you
14 taught that police commands do not pertain to you?

15 A. No.

16 Q. You understand that if you're getting three to
17 four feet from the action, shall we say, is that fair --

18 A. (Nodding.)

19 Q. -- that there might be some collateral damage
20 that ensues; is that right?

21 A. Can you -- I don't know what you mean by --

22 Q. Sure. So, I'll try and give you an example.

23 So, if you are trying to observe a rambunctious resisting
24 of arrest and you are close to that situation, you

25 understand that it's possible that somehow, someday maybe

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1 you could get hurt or -- or hit or that something could
2 happen if you're standing that close to that kind of
3 situation; is that right?

4 A. So, I am not trained to know even whether that
5 would be a resisting arrest kind of a thing or maybe the
6 person's complying and is being dragged or -- so that's
7 the first thing I just want to say.

8 Q. Uh-huh.

9 A. So, I like to be there to observe it so that
10 if that -- that evidence needs to be given --

11 Q. Uh-huh.

12 A. -- then it's interpreted later by an attorney
13 whether that or a police officer charge, so I guess I
14 wouldn't -- I wouldn't absolve police from the fact that
15 they can't assault me. If I happen to be close, I
16 don't --

17 Q. Uh-huh.

18 A. -- feel like that just because I'm close,
19 three to four feet away, does not --

20 Q. Uh-huh.

21 A. -- give them the right to assault me.

22 Q. Right, and I'm not suggesting --

23 A. Yeah.

24 Q. -- that. I guess my question, ma'am, is just,
25 do you recognize that there are certain risks with being

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1 so close to the action? Being three or four feet away,
2 do you understand that there are some risks that could be
3 associated with that?

4 A. Yes.

5 Q. Okay. And a part of those risks, for example,
6 if someone is getting maced or pepper-sprayed and you are
7 that close, that then you could be impacted by that?

8 A. Yes.

9 Q. And would you see that as part of your job as
10 a legal observer is to engage in those kind of risks?

11 A. Not necessarily, because some legal observers
12 choose not to take that risk and, so, it's not a
13 requirement, no.

14 Q. But, I guess, do you take that risk? Do
15 you --

16 A. Not all the time. Not all the time.

17 Q. On the weekend of September 15, 2017, did you
18 take those risks at times?

19 A. Yes.

20 Q. Okay. You voluntarily signed up to be a legal
21 observer; is that right?

22 A. That's right.

23 Q. And you voluntarily engage -- or you
24 voluntarily engage in the risk of standing close to
25 protestors in their interaction with police; is that

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1 right?

2 A. Yes.

3 Q. I noticed on -- there's a Declaration that you
4 submitted for the preliminary injunction.

5 A. Uh-huh.

6 Q. It's Exhibit J and I won't enter it right now,
7 but it says here that you're a coordinator of -- it says
8 legal observer coordinator.

9 A. Uh-huh.

10 Q. Is that still true today?

11 A. Uh-huh, uh-huh.

12 Q. Okay. And what does that entail; what makes
13 you a coordinator?

14 A. It's just someone on the ground at a
15 protestor (sic) that the other legal observers can get
16 direction from in terms of location where -- where to
17 position ourselves.

18 Q. Okay.

19 A. That's pretty much it, uh-huh.

20 Q. So, is there like a -- I mean, I would just
21 imagine is there like a huddle before the protest to kind
22 of direct people where they're going to be standing?

23 A. Yeah, we...

24 Q. Okay.

25 A. Ideally, but not always, yeah.

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1 Q. Right. And does -- did that happen on
2 September 15 of 2017?

3 A. Which location?

4 Q. At the one before you go to the Central West
5 End there by the courthouse on Tucker and Clark.

6 A. So, there's an example of not really. It was
7 very large and I don't recall any kind of a huddle,
8 huh-uh.

9 Q. Okay.

10 A. One of us might -- might be kind of close to
11 the front of a march --

12 Q. Uh-huh.

13 A. -- and, so, they're just staying in that
14 position and then others are in the back, so they stay in
15 a position.

16 Q. Okay.

17 A. It's not always coordinated, yeah.

18 Q. Okay. Sometimes it can be, sometimes it's --

19 A. Right.

20 Q. -- not depending on, I guess, maybe how
21 impromptu --

22 A. Right.

23 Q. -- how much notice you have of the protest?

24 A. Or just when we're arriving, uh-huh.

25 Q. Okay. And do you contact your other legal

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1 observers by phone, do you text each other, or do you
2 just -- how do you identify each other?

3 A. Yeah, we're -- we're on our phone.

4 Q. Okay.

5 A. Uh-huh.

6 Q. With all your legal observers, are there,
7 like, monthly meetings or any kind of scheduled
8 meetings --

9 A. No.

10 Q. -- or organized meetings of that kind?

11 A. No.

12 Q. Okay. Just looking at the photos, I see that
13 you have florescent green hats on.

14 A. Uh-huh.

15 Q. Where did you get those hats from?

16 A. So, when legal observers arrive to a
17 protestor -- I mean to a protest --

18 Q. Sure.

19 A. -- the coordinator will -- will give them a
20 hat temporarily --

21 Q. Okay.

22 A. -- to wear.

23 Q. So, as the coordinator, then you keep all
24 those hats or do you disburse?

25 A. I have a couple, uh-huh.

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1 Q. Okay. But I guess where are those from, do
2 you make those yourselves?

3 A. No, no, they're purchased from -- it's a
4 national organization. I don't -- I don't --

5 Q. From the National Lawyers Guild --

6 A. Yes.

7 Q. -- is that where you get them?

8 A. But I don't know that address or --

9 Q. Sure.

10 A. -- how to order them.

11 Q. Sure. And what do they say on the green hats?

12 A. National Lawyers Guild.

13 Q. Okay. Does it say legal observer on it, as
14 well, or is it just National Lawyers Guild?

15 A. Yes, I believe you're right.

16 Q. Okay.

17 A. Yes.

18 Q. Okay. You talked about how as a legal
19 observer you're trained to kind of take in the scene of
20 the protest; is that fair?

21 A. Uh-huh.

22 Q. And then you're taught to observe police
23 behavior; correct?

24 A. That's right.

25 Q. Okay. But you understand, don't you, that

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1 police behavior does not happen in a vacuum?

2 A. Uh-huh.

3 Q. That someti- -- Is that a "yes"?

4 A. I guess I need clarification on "in a vacuum."

5 Q. Sure. So, police officers are not acting --
6 they often are reacting to situations or contexts of
7 situations; would you agree with that?

8 A. Do you mean emotionally on a personal level --

9 Q. I mean --

10 A. -- reacting rather than under an order of a
11 supervisor?

12 Q. No, I mean as far as just in their police
13 duties that there are times that they perform certain
14 actions as a police officer in response to a protestor's
15 actions.

16 A. Uh-huh, yes.

17 Q. Is that fair?

18 A. Yes.

19 Q. Okay. And, so, as a legal observer, you would
20 want to observe both the actions of the police and the
21 protestors; is that fair?

22 A. Yes.

23 Q. Okay. Because you would want to get a full
24 picture of why the police are acting in one way and why
25 the protestors are reacting or responding in a certain

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1 way; is that right?

2 A. So, I don't get that full picture because I'm
3 selectively looking at police, so -- and I don't put
4 myself in that judgment position of, okay, this happened,
5 so, yeah, that makes sense that that happened and this
6 and that.

7 Q. Uh-huh.

8 A. That's beyond my duties --

9 Q. Uh-huh.

10 A. -- or ability to interpret --

11 Q. Uh-huh.

12 A. -- so I'm selectively focused on police.

13 Q. Okay. So, if a police officer were to mace or
14 pepper spray someone, you would only be looking at that
15 activity and not perhaps the causes of that activity --

16 A. I --

17 Q. -- is that right?

18 A. I -- I might miss that prior activity --

19 Q. Okay.

20 A. -- if it happened out of my sight. If I'm
21 looking here (pointing), maybe something happened over
22 here (pointing) --

23 Q. Yeah.

24 A. -- and I'm seeing a reaction.

25 Q. Yeah. And in our conversation today, there

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1 have been many times when you haven't been able to recall
2 what protestors have done or what have caused police to
3 react in a certain way; is that fair?

4 A. Can you repeat that?

5 Q. Sure. So, during the course of our
6 conversation today, you have been able to recall that
7 police have maced or pepper-sprayed someone but have not
8 been able to recall maybe some of the reasons they may
9 have done that?

10 A. Right, I'm -- I'm -- people -- protestors are
11 in particular places, which may be on the street
12 unlawfully, if they're blocking traffic and so forth, so
13 I usually can presume why they're being given a dispersal
14 order, but I often don't see those individual occurrences
15 that you're talking about, like if someone threw a rock
16 or all these -- these individual actions, I don't always
17 see that.

18 Q. Uh-huh.

19 A. I see a larger -- The larger picture is
20 usually what I'm capturing.

21 Q. The larger picture of police --

22 A. People are assembled, you know, outside a
23 house or in a street, but something could happen that
24 took a few seconds over here or there (pointing) and I --
25 it doesn't necessarily mean that I saw that.

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1 Q. Right.

2 A. Right.

3 Q. And, so, if you see a police officer reacting
4 to that with mace or pepper spray, you would see only
5 what the police officer does, but not the protestor who
6 may have -- may have done something to warrant that
7 behavior; is that fair?

8 A. That's possible.

9 Q. Okay.

10 A. That's possible, yeah.

11 MS. DUNCAN: Could I have just a second to --

12 MR. ROTHERT: Uh-huh.

13 MS. DUNCAN: -- pop out for a second?

14 (At this point, there was a break taken from
15 12:28 p.m. to 12:37 p.m.)

16 (Questions by Ms. Duncan)

17 Q. Ma'am, I'll just ask you if -- I know that you
18 said after the Stockley verdict protests on the weekend
19 of September 15, 2017, that you had participated in one
20 other protest as a legal observer at the Roy Blunt
21 protest --

22 A. Yes.

23 Q. -- correct? Have there been any other
24 protests that you have legally observed since the weekend
25 of September 15, 2017?

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1 A. There have been other ones. One more that I'm
2 recalling now is on October 9, Union Station in the
3 morning, and it was a response -- it was high school
4 students in response to the Parkland shooting.

5 Q. Okay. And you were a legal observer --

6 A. That's right.

7 Q. -- at that protest? Was there any police
8 presence at that protest?

9 A. Yes.

10 Q. Okay. Was there any teargas, pepper spray, or
11 mace deployed --

12 A. No.

13 Q. -- at that protest?

14 MR. ROTHERT: Excuse me for a moment. You've
15 been doing really great, but right now you're kind
16 of giving your answers before the questions are
17 done --

18 THE WITNESS: Okay.

19 MR. ROTHERT: -- so let her finish the
20 question.

21 THE WITNESS: Okay.

22 Q. Sorry, I --

23 MR. ROTHERT: Otherwise it won't look right.

24 THE WITNESS: Okay.

25 MR. ROTHERT: Thank you.

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1 Q. Thanks. And I just want to make sure the
2 record is clear. On -- Your testimony is that the
3 weekend of September 15, 2017, you did not engage in any
4 protest activity?

5 A. That's correct.

6 Q. Okay. So, you did not chant anything with
7 protestors; is that correct?

8 A. That's correct.

9 Q. And you didn't hold signs?

10 A. That's correct.

11 Q. And you didn't shout anything to police?

12 A. That's correct.

13 Q. Are you paid to be a legal observer?

14 A. No.

15 Q. Okay. It's a pure voluntary type of position?

16 A. Yes.

17 Q. Before you became a legal observer in January
18 of 2015, I believe you said that you had engaged in
19 protest activity before that as a protestor?

20 A. Yes.

21 Q. And I think you mentioned the Michael Brown
22 protests in Ferguson?

23 A. Yes.

24 Q. Any -- How many protests would you say you
25 attended as a protestor before January of 2015?

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1 A. Five; something like that.

2 Q. And were those all in relation to the
3 Michael Brown shooting?

4 A. Yes.

5 Q. And since you have become a legal observer in
6 January of 2015, how many protests would you say you've
7 attended as a legal observer?

8 A. As a legal observer?

9 Q. Uh-huh.

10 A. Since which date, January, '15?

11 Q. Since you became one.

12 A. Uh-huh. 300? 200? A lot.

13 Q. Okay.

14 A. Is that --

15 Q. That is a lot.

16 A. Yeah.

17 Q. And do you keep a record of any of the
18 protests that you've attended?

19 A. No.

20 Q. You said that you are able to take in the
21 scene in the big picture as a legal observer; is that
22 correct?

23 A. I think that I said that it's not our role to
24 take in the whole picture. Our role is selective to when
25 there's an interaction between police and protestors.

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1 Q. Okay.

2 A. That's the hyperfocus.

3 Q. Okay. Would you agree -- and I believe you've
4 already testified -- that in some groups, there are both
5 protestors and those who commit criminal acts; is that
6 fair?

7 A. Yes.

8 Q. Okay. So, there could be some protestors
9 mixed in with people who commit property damage, for
10 example?

11 A. Yes.

12 Q. And you are solely focused on the police who
13 are responding to any kind of behavior, be it from
14 protestors or criminal acts; would you say that's true?

15 A. Yes.

16 Q. Okay. And your focus is on the police and how
17 they respond?

18 A. Yes.

19 Q. Okay. So, is it possible -- Well, I guess if
20 your focus is on the police, it wouldn't be possible for
21 you to know whether police response is to the criminal
22 activity or to the protesting activity; is that fair?

23 A. I have seen police officers respond to
24 protests that are not engaging in criminal activity that
25 I could see.

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1 Q. Okay. But I guess that wasn't my question.

2 MS. DUNCAN: Sara, could you read back my
3 question because I forgot how I worded it?

4 (At this point, the reporter read back the
5 question beginning on Page 179, Line 19.)

6 A. Isn't possible seems strong. And if you're
7 talking about every single situation I'm in, it's too
8 hard to answer that question yes or no because there may
9 be some of those many protests where that was more
10 evident.

11 MS. DUNCAN: Okay. I have no further
12 questions at this point.

13 MR. ROTHERT: Okay. We'll review.

14 (Deposition adjourned at 12:43 p.m.)

15 (SIGNATURE RESERVED)

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MALEEHA AHMAD, et al v. CITY OF ST. LOUIS
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1 STATE OF)
2) SS
3 COUNTY OF)
4

5 I, PAMELA LEWCZUK, do hereby state that the
6 foregoing statements are true and correct to the best of
7 my knowledge and belief.
8
9
10
11

PAMELA LEWCZUK
12
13
14

15 Subscribed and sworn to before me this ____ day
16 of _____, 2019.
17
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20

NOTARY PUBLIC
21
22

My Commission Expires:
23
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25

MALEEHA AHMAD, et al v. CITY OF ST. LOUIS
Deposition of PAMELA LEWCZUK taken on 01/28/2019

DEPOSITION CORRECTION SHEET
DEPOSITION OF PAMELA LEWCZUK

In Re: MALEEHA AHMAD, et al vs. CITY OF ST. LOUIS
No. 4:17-CV-2455 CDP

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MALEEHA AHMAD, et al v. CITY OF ST. LOUIS
Deposition of PAMELA LEWCZUK taken on 01/28/2019

C E R T I F I C A T E

I, Sara Alice Masuga, Certified Shorthand Reporter and Certified Court Reporter within and for the States of Illinois and Missouri, DO HEREBY CERTIFY that pursuant to agreement between counsel that on January 28, 2019, at the offices of the ACLU, 906 Olive Street, St. Louis, Missouri, there appeared before me the aforementioned witness, and having been duly sworn to tell the whole truth, was examined, and the examination was taken down in shorthand by me and afterwards transcribed upon the computer, and said transcription is herewith returned.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of February, 2019.

Sara Alice Masuga, CSR, CCR
IL CSR No. 084-002993
MO CCR No. 1012

MALEEHA AHMAD, et al v. CITY OF ST. LOUIS
Deposition of PAMELA LEWCZUK taken on 01/28/2019

MASUGA REPORTING SERVICE
2033 Hiawatha Avenue
St. Louis, MO 63143-1215
(314)680-2424

February 9, 2019

ACLU

Attn: Anthony E. Rothert, Esq.
906 Olive Street
Suite 1130
St. Louis, MO 63101

In Re: MALEEHA AHMAD, et al vs. CITY OF ST. LOUIS
No. 4:17-CV-2455 CDP

Dear Mr. Rothert:

Enclosed herewith, please find your copy of the deposition transcript of PAMELA LEWCZUK taken in the above-styled matter along with the original signature page of same.

Please have the deponent read your copy of the transcript, note any corrections to be made, sign the original signature page, have the deponent's signature notarized where indicated, and return the signed signature page and correction sheets to Ms. Duncan for proper filing of the original transcript with the Court.

Thank you for your attention to this matter.

Sincerely,

MASUGA REPORTING SERVICE

Sara Alice Masuga, CSR, CCR

cc: Ms. Duncan

MASUGA REPORTING SERVICE
314/680-2424